

2018

Town of Raymond Maine Ordinances

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TOWN OF RAYMOND, MAINE
CABLE TELEVISION ORDINANCE
Adopted 11/06/2000

Be it ordained by the Town of Raymond, acting by and through its Board of Selectmen acting as its Municipal Officers, that the following Cable Television Ordinance be adopted pursuant to the requirements of 30-A M.R.S.A. §3008.

SECTION 1 - ESTABLISHMENT AND PURPOSE

1.1 An ordinance providing for Town regulation and use of the Cable System including its construction, operation and maintenance in, along, upon, across, over and under the streets, alleys, public ways and public places now laid out or dedicated, and all extensions thereof and additions thereto in the Town of Raymond, including, poles, wires, cables, underground conduits, manholes, conductors and fixtures necessary for a Cable System and to provide conditions accompanying the grant of a franchise and providing for the Town's regulation of Cable System operation.

SECTION 2 - DEFINITIONS

2.1 "Cable System" means any facility that, in whole or in part, receives directly or indirectly over the air, and, amplifies or otherwise modifies signals transmitting programs broadcast by one or more television or radio stations, or originates its own signal or signals produced through any of its community access channels, and distributes such signals by wire or cable to subscribing members of the public who pay for such services. The term does not include any such facility that serves fewer than 50 subscribers or that serves only the residents of one or more apartment dwellings under common ownership, control or management, and commercial establishments located on the premises of the apartment dwellings.

2.2 "Cable Television Operators" or "Cable Operators" means any person, firm or corporation owning, controlling, operating, managing or leasing, a Cable System within the Town of Raymond.

2.3 "Town" shall mean the Town of Raymond organized and existing under the laws of the State of Maine and the area within its territorial limits.

SECTION 3 - FRANCHISE REQUIRED

3.1 No person, firm or corporation shall install, maintain or operate within the Town or any of its public streets or other public areas any equipment or facilities for the operation of a Cable System unless a franchise agreement authorizing the use of said public streets or areas has first been obtained pursuant to the provisions of this Ordinance and unless said franchise agreement is in full force and effect.

SECTION 4 - FRANCHISE CONTRACT

4.1 The Municipal Officers of the Town may contract on such terms, conditions and fees as are in the best interest of the municipality and its residents with one or more Cable Operators for the operation of a Cable System within the Town, including the granting of non-exclusive franchise agreements for the operation thereof for a period not to exceed fifteen (15) years.

4.2 Applicants for a franchise agreement, including applicants for renewal of a franchise agreement, shall pay a reasonable fee to the Town to defray the cost of public notices, advertising and other expenses (including reasonable attorneys fees or consultant fees) relating to, or incurred by the Town in acting upon, such applications. The amount of said fee is to be determined by the Municipal Officers.

4.3 The application shall be filed with the Town Clerk and shall contain such information as the Town may require; including but not limited to a general description of the applicant's proposed operation, a schedule of proposed changes, a statement detailing its previous two fiscal years, an estimated ten year financial projection of its proposed Cable System and its proposed annual Town franchise fee or the basis for same, and a statement detailing the prior operational experience of the applicant in both cable television and microwave service including that of its officers, management and staff to be associated with the proposed operation.

4.4 Prior to issuing a request for proposals to any Cable Operators for franchise agreements or renewals, the Town shall hold a public hearing or conduct some other process to determine any special local needs or interests with respect to cable television service and shall allow for a period of public comment on the request for proposals.

4.5 Franchise agreement applications, including renewal applications, and any submittals in response to a request for proposals or solicitation of bids and related documents, are public records. Upon the filing of such documents, the Town shall provide reasonable notice to the public that such documents are open to public inspection during reasonable hours.

4.6 A franchise agreement may be revoked by the Municipal Officers for good and sufficient cause after due notice to the Cable Operator and a public hearing thereon; with the sole right to appeal to the Cumberland County Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure.

4.7 A Cable Operator operating a Cable System in the Town pursuant to a Franchise Agreement with the Town may not enter into any transaction, including but not limited to any transfer, sale, assignment or disposal in any manner, concerning the ownership or control of the franchise or the Cable System in Raymond, or resulting in a change in control of the Cable Operator, without the Town's prior written approval; provided, however, that Grantor's approval shall not be required for a pledge, mortgage or other routine assignment for security as part of a financing or refinancing in the normal course of business. The Cable Operator shall reimburse the Town for all costs (including reasonable consultants or attorneys fees) incurred by the Town in reviewing

an application for approval of a sale, transfer or assignment of the Franchise or the Cable System.

SECTION 5 - PUBLIC HEARING

5.1 Before authorizing the issuance of any such franchise agreement, including renewals, and approvals of any transfers of ownership, property or rights under franchise agreements, the Municipal Officers shall review the applicant's character, financial and technical qualifications and the adequacy and feasibility of its qualifications to operate a Cable System within the Town, and shall conduct a public hearing thereon with at least seven days advertised notice prior to said public hearing. Such public hearing shall provide a reasonable opportunity for public input on the proposed franchise agreement, renewal or transfer.

SECTION 6 - PERFORMANCE BOND & INSURANCE COVERAGE

6.1 Upon the execution of any such franchise agreement the Cable Television Cable Operators shall file a surety Company performance bond or irrevocable letter of credit in the amount and in such form as is acceptable to the Town. The Town in making this determination may rely upon the advice of the Municipal Officers, Town Manager, Town Attorney and/or other appropriate Town Officials. The amount of said bond or letter of credit shall not be less than the estimated cost of performing any work specified in the Franchise Agreement and shall include the cost of dismantling the Cable System. Said bond or letter of credit shall be conditioned upon the faithful performance of said Franchise Agreement and full compliance with any laws, ordinances or regulations governing said Franchise Agreements.

6.2 Operators shall also, upon execution of any Franchise Agreement, provide evidence of such public liability, copyright infringement and other insurance coverage as the Municipal Officers may require.

SECTION 7 - FRANCHISE AGREEMENT CONTENTS

7.1 Each Franchise Agreement between the Town and any Cable Operator shall contain but is not limited to, the following provisions:

- a) A statement of the area or areas to be served by the Cable Operator;
- b) A line extension policy;
- c) A provision for renewal, the term of which may not exceed fifteen (15) years;
- d) Procedures for the investigation and resolution of subscriber complaints by the Cable Operator;
- e) An agreement to comply with the requirements of 30-A M.R.S.A. §3010 regarding consumer rights and protection and any amendments thereto;

- f) Any other terms and conditions that are in the best interest of the Town; and
- g) A provision for access to, and facilities to make use of, one or more local public, educational and governmental access channels.

SECTION 8 - RULES, REGULATIONS AND PROCEDURES

8.1 The Municipal Officers of the Town of Raymond shall, either directly or through their designees:

- a) Adopt such ordinance rules and regulations as they may deem necessary for regulating the operation of a Cable System;
- b) Make recommendations to the Cable Operator concerning educational and local interest programming;
- c) Resolve complaints, disputes, or disagreements between subscribers and the Cable Operators;
- d) Conduct public hearings and issue such appropriate orders as it may deem necessary to enforce the provisions of this Ordinance and any regulations, rules and orders and Franchise Agreements, including the revocation of Franchise Agreements and the assessment of penalties for violations, as well as to correct any deficiencies in the operation of the Cable Systems. The Municipal Officers' decisions and findings shall be final and binding upon all parties including the Cable Operators, except such decision or finding may be appealed to the Cumberland County Superior Court pursuant to Rule 80B, M.R.Civ.P.;
- e) All such ordinances, regulations, rules and orders of the Municipal Officers shall not be in conflict with those that have been or may be adopted by the Federal Communications Commission for the operation of Cable Systems, except that unless expressly preempted, such ordinances, regulations, rules and orders may be more detailed, more strict or more restrictive than applicable FCC regulations; and
- f) As part of their enforcement authority, the Municipal Officers have the authority to bring legal action for damages, penalties and for injunctive relief. The Town shall be entitled to recover its costs, including reasonable attorneys fees, incurred in the enforcement of this Ordinance, the provisions of a Franchise Agreement, or any local rules or regulations adopted pursuant to this Ordinance.

SECTION 9 - COMPLIANCE WITH ALL LAWS

9.1 Cable Operators shall at all times comply with all applicable federal, State and local laws, statutes, rules, regulations, ordinances, codes and orders.

SECTION 10 – SUBSCRIBER PRIVACY

10.1 Privacy. Cable Operators shall maintain due vigilance with regard to possible abuses of the right of privacy of any subscriber, programmer or resident resulting from any device or signal associated with the Cable System, and shall take all reasonable steps necessary to prevent and terminate any such abuses should they occur. Cable Operators shall comply with all applicable Federal, State and local laws and regulations respecting subscriber privacy and shall adhere to applicable industry codes of conduct which promote or enhance subscriber privacy.

10.2 Installation of Equipment. No cable, line, wire, amplifier, converter or other piece of equipment owned or controlled by a Cable Operator shall be installed on private property by a Cable Operator without first securing the permission of the owner or tenant in possession of such property or, if required by law, the written permission of the holder of any easement for utility lines or similar purposes.

10.3 Monitoring. No Cable Operator nor any of its officers, employees or agents shall, or permit any other person to, tap, monitor or arrange for the tapping or monitoring of any subscriber drop, outlet or receiver for any purpose whatsoever other than legitimate technical testing, monitoring for theft of service or monitoring of subscriber service status, without the prior written consent of all affected parties. A Cable Operator shall report to the affected parties and all appropriate authorities any instances of monitoring or tapping of the cable television system, or any part thereof, of which it has knowledge, whether or not the Cable Operator has authorized such activity. A Cable Operator shall not record or retain any information transmitted between any subscriber or commercial user and any third party, except as required for lawful business purposes. Cable Operators shall destroy all subscriber information of a personal nature after a reasonable period of time except as authorized not to do so by the affected subscriber.

10.4 Subscriber Lists or Information. Cable Operators shall not sell, disclose, or otherwise make available, or permit the use of, lists of the names or addresses of its subscribers, or any list or other information which identifies by name or address, subscribers or subscriber viewing habits, to any person or agency for any purpose whatsoever without the prior written consent of the subscriber; provided, that Cable Operators may make such lists available to persons performing services for Cable Operators in connection with its operations hereunder (e.g. a billing service) where the availability of such lists is necessary to the performance of such services; on condition, in either case, that the persons receiving such lists will not permit them to be made available to any other party. Said consent may be withdrawn at any time by the subscriber or commercial user by providing written notice to the Cable Operator. Cable Operators shall provide annual notice to each subscriber or commercial user who has given the aforesaid authorization of each subscriber's or commercial user's right to withdraw the authorization. In no event shall such authorization be obtained as a condition of service or continuation thereof, except as necessary to adequately provide particular services.

10.5 Protection of Privacy. Cable Operators shall not permit the transmission of any signal, aural, visual or digital, including “polling” the channel selection, from any subscriber’s premises without first obtaining the written consent of the subscriber. This provision is not intended to prohibit the use of transmission signals useful only for the control or measurement of signal performance. Cable Operators shall not permit the installation of any special terminal equipment in any subscriber’s premises of two-way services utilizing any type of signal without first obtaining written permission from the subscriber. No poll or other upstream response of a subscriber or commercial user shall be conducted or obtained unless the program of which the upstream response is a part shall contain an explicit disclosure of the nature, purpose and prospective use of the results of the poll or upstream response. Cable Operators or thier agents shall release the results of upstream responses only in the aggregate and without individual references.

SECTION 11 – REPAIR SERVICES

11.1 Repair. Each Cable Operator shall maintain a repair department comprising qualified technicians, service vehicles and equipment to provide prompt and efficient repair service within the parameters set forth below.

11.2 Notice. Except in an emergency, a Cable Operator shall give subscribers at least 24 hours’ notice of any interruption of service for purposes of maintenance or repair. In an emergency, a Cable Operator shall give such notice as is reasonable in the circumstances. Notice given on the alphanumeric channels on basic service shall be considered sufficient.

11.3 Repair Procedure. Each Cable Operator shall have a toll free, local listed telephone so operated that requests for repairs or adjustments can be received at any time, 24 hours per day, seven days per week. Cable Operators responses to such requests shall occur on the same day for requests received before 12:00 noon, but in no event shall such responses occur later than 24 hours after Cable Operator’s receipt of such a request; provided, the response time for service complaints other than complaints of no or unusable service shall be computed excluding Sundays and legal holidays.

11.4 Area Outages. Cable Operators shall respond within four hours to any area outage which occurs between the hours of 7:00 a.m. and 10:00 p.m. of any day, and by not later than the following 11:00 a.m. to any area outage which occurs between 10:00 p.m. and 7:00 a.m.

14.1 Service Complaints. If a Cable Operator responds to a service complaint as herein required and the subscriber is not satisfied that the problem giving rise to the original complaint has been resolved, the subscriber shall notify the Cable Operator thereof within 48 hours of the repair visit by Cable Operator’s personnel, and Cable Operator shall have an additional period of 24 hours within which to correct the problem. If such second complaint is made to the Town instead of the Cable Operator, the Cable Operator shall have a period of 24 hours after receipt of oral or written notice from the Town within which to make the correction.

a. In the event that a subscriber complaint remains unresolved, the subscriber may file a complaint with the Town or its designee. If the complaint remains unresolved for more than ten (10) days, then within thirty (30) days of the date of the filing of the complaint with the Town, the subscriber shall have the opportunity to meet jointly with the Town or its designee and a representative of the Cable Operator to discuss and resolve the matter.

b. Cable Operators shall notify each new subscriber, at the time of initial subscription and at least annually thereafter, of the procedures for reporting and resolving complaints.

c. When there have been numerous similar complaints made or when there exists other evidence which in the judgment of the Town or its designee casts reasonable doubt upon the reliability or quality of the Cable Service, the Town shall have the right and authority to compel the Cable Operator upon written request to test, analyze and report on the performance of the system as provided herein.

d. Such report shall be delivered to the Town no later than fourteen (14) days after the Town formally notifies the Cable Operator and shall include the following information: the nature of the complaints which precipitated the special tests; what system component was tested; the equipment used; the procedures employed in said testing; the results of such tests; and the method in which said complaints were resolved.

e. In the event that the Town finds that testing and analysis by the Cable Operator has not produced a solution to the problem, upon written request of the Town, the Cable Operator shall conduct additional testing and analysis under the direction and supervision of a professional engineer with training and experience in cable communications and not on the permanent staff of the Cable Operator and otherwise acceptable to the Town. The aforesaid engineer shall sign all records of the special tests and forward to the Town such records with a report interpreting the results of the tests and recommending actions to be taken by the Town.

f. All costs of such tests, analyses, and reports, and the supervision thereof required under this section shall be borne by the Cable Operator.

11.6 Subscriber-Owned Equipment Excluded. The requirements for maintenance and repair shall not apply to subscriber television or radio receivers or other subscriber-owned equipment.

SECTION 12 – BILLING AND DISCONNECTION

12.1 Billing Practices. Each Cable Operator shall set forth, in writing its billing and collection practices and policies, and procedures for ordering changes in or termination of services and refund policies, and shall furnish a copy thereof to each new subscriber and to the Town, and thereafter to the Town and all subscribers at such time as there is a change in such policies.

12.2 Pro-Rated Service. In the event a subscriber's service is terminated, monthly charges for service shall be pro-rated on a daily basis and, where advance payment has been made by a

subscriber, the appropriate refund shall be made by the Cable Operator to the subscriber within thirty days of such termination.

12.3 Rebate For Service Loss. Rebates due subscribers as a result of loss of service shall be made to the affected subscribers by the Cable Operator either by direct payment or by appropriate credit entry on the next subsequent billing.

12.4 Disconnection For Non-Payment. A Cable Operator shall have the right to disconnect a subscriber for failure to pay an overdue account; provided, that:

- a. The Cable Operator's billing practices and policy statement set forth the conditions under which an account will be considered overdue;
- b. At least fifteen days prior to the proposed disconnection, the Cable Operator mails to the subscriber written notice of intent to disconnect for delinquency in payment;
- c. The subscriber's account is at least forty five days delinquent at the time said notice is mailed, and
- d. The disconnection occurs at least 15 days, and not more than 60 days, after the mailing of the above written notice.

In the event of a billing dispute, and at the request of the Town, the Cable Operator shall meet with Grantor or its designee to attempt to negotiate in good faith a resolution to the billing dispute.

12.5 Notice of Rates and Programming. All rates and charges associated with the provision of Cable Service and the lease of channel space shall be published. A written schedule of all such rates currently in effect, including special and promotional rates, shall be available and obtainable in person or by mail upon request during business hours at the Cable Operator's business office and at the Town Clerk's office. At least once each year, the Cable Operator shall provide to each subscriber and the Town a complete schedule of all services, rates and charges for cable service provided by the Cable Operators for that year and of the programming offered and channel alignment. Such information shall also be provided to all new or prospective subscribers prior to installation or commencement of service. Such information shall be written in plain English and shall include, but shall not be limited to, the following: all services, tiers and rates, deposits, if applicable, installation costs, additional television set installation charges, service upgrade or downgrade charges, stolen or lost converter charges, charges for lockout devices and for connecting video cassette recorders to the Cable System.

12.6 General Customer Service. Cable Operators shall comply with any and all customer service standards provided under Maine law, Federal law, FCC regulations, including those regulations found at 47 C.F.R. §76.309, as well as with the provisions of this Ordinance.. To the extent of any difference or conflict in the requirements of this Ordinance and State and federal law or FCC regulations, the strictest of such standards shall govern.

SECTION 13 – SUBSCRIBER COMPLAINTS

13.1 Complaint Policy. Each Cable Operator shall maintain a written policy statement setting forth the procedure for reporting and resolving subscriber complaints and shall furnish a copy thereof to each new subscriber and to the Town, and thereafter annually to the Town and all subscribers. Such notice shall comply in all respects with the Cable Act, FCC Regulations, Maine law and this Ordinance.

13.2 Cable Operators Response. Each Cable Operator shall receive all subscriber complaints at its business office serving the Town and shall handle all such complaints promptly but in no event later than as set forth below.

13.3 Billing Complaints. In the case of a billing complaint, Cable Operators shall respond to the complainant by no later than five business days following receipt of the complaint.

13.4 Service Complaints. In the case of a service complaint not requesting repair or adjustment, Cable Operators shall respond to the complainant within five business days following receipt of the complaint.

SECTION 14 – ENFORCEMENT

14.1 In the event a Cable Operator violates any provision of this Ordinance, the Town, acting through its Municipal Officers, after notice to the Cable Operator and opportunity to appear before the Municipal Officers to respond to the alleged violation, may assess a penalty of not less than \$100 nor more than \$2,000 for each violation. Each day that a violation continues shall constitute a separate violation.

14.2 The Town may bring an action in the Cumberland County Superior Court to enforce any provision of this Ordinance and to collect any penalty assessed pursuant to this Ordinance.

SECTION 15 - SEVERABILITY

15.1 Should any section of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

SECTION 16 – EFFECTIVE DATE

16.1 This Ordinance shall be effective on the date of its adoption by the Municipal Officers of the Town of Raymond.

Raymond/S/Ordinances

FIRE PROTECTION ORDINANCE

Adopted May 19, 1995

Amended June 7, 2011

Amended June 7, 2016

ARTICLE I

Section 1. This Ordinance shall be known as the Town of Raymond Fire Protection Ordinance.

Section 2. The purpose of the Ordinance is to establish in the manner provided by law, a Municipal Fire/Rescue Department according to the provisions of 30-A M.R.S.A. §3151 and to establish an ordinance governing the installation of sprinkler systems in certain buildings in the Town of Raymond, Maine.

Section 3. A Municipal Fire/Rescue Department means an organized Firefighting/Rescue unit established pursuant to this Ordinance.

Section 4. A Municipal Firefighter shall mean an active member, whether full-time, part-time, or on call, of a municipal fire department.

Section 5. A Municipal Rescue Member shall mean an active member whether full-time, part-time, or on call, of a municipal rescue department, who aids in providing emergency medical and rescue assistance and is qualified to render such aid under current Human Services regulations governing rescue and ambulance personnel.

ARTICLE II

Section 1. There shall be a Municipal Fire/Rescue Department that is established by this Ordinance.

Section 2. The duties of the Fire/Rescue Department shall be to provide fire protection and emergency medical care to the Town of Raymond and elsewhere as provided by mutual aid or other contractual agreements approved by the municipal officials.

Section 3. The head of the Municipal Fire/Rescue Department shall be the Fire Chief, who shall be appointed by the Town Manager and confirmed by the Board of Selectmen.

ARTICLE III

Section 1. Members of the Municipal Fire/Rescue Department shall enjoy the privileges and immunities as provided them by 30-A, M.R.S.A. §3155, and 14 M.R.S.A. §8101-8118.

ARTICLE IV

NFPA LIFE SAFETY CODE 101

The Town of Raymond adopts the NFPA Life Safety Code 101 by reference as the basis for inspection and plans review for buildings as defined in this ordinance.

ARTICLE V ALARM SYSTEM REQUIREMENTS

Section 1. A monitored fire alarm system is required in any business, manufacturing facility, school, day care, church, and apartment house with more than 3 units, or other public assembly occupancy of more than 1,000 square feet. Spaces of less than 1,000 square feet housed in one building or sharing common walls, roofs, or foundations are not exempted. This requirement must be implemented by December 31, 2001.

- A. Proof of yearly alarm system testing must be forwarded to: The Raymond Fire Department, Attn: Chief's Office, 1443 Roosevelt Trail, Raymond, Maine 04071 by January 1st of each year.
- B. All structures that are required to have an alarm or sprinkler system shall also have a secure key box, approved by the Fire Department, containing keys to the entire building, contact information and a map of the building.
- C. A permit shall be obtained from the Fire Chief, or his or her appointee, before the start of construction or alteration of any fire alarm system. A set of plans showing all devices and a one-line diagram of the intended system shall be submitted for review prior to a permit being issued.

ARTICLE VI

Section 1. All trash and construction dumpsters shall be placed no closer than 10 feet from a structure, overhang, overhead wires, or be protected by an automatic suppression system if placed closer than 10 feet.

The storage of any flammable items, other than items accepted by local Fire Department, Code Enforcement, in compliance with NFPA Life Safety Code, or BOCA Maine Uniform Building Code, within 10 feet of any business, manufacturing facility, apartment house, school, day care, or public assembly occupancy is prohibited.

Section 2: Solid Fuel Burning Stove Permit (Adopted June 7, 2011)

A permit is required for the installation or alteration of any solid fuel burning device in the Town of Raymond. As used in this section, the term "solid fuel burning device" includes any wood or pellet stove or any other stove which burns a solid fuel as described in the National Fire Protection Association's Standard No. 211, Standards for Chimney's, Fireplaces, Vents and Solid Fuel-Burning Appliances, and the term "alteration" means any change to the device other than routine, periodic maintenance or repair or replacement of damaged or worn components with equivalent components. Before a solid fuel burning device is utilized, the owner of the property on which it is located must contact the Raymond Fire/Rescue Department and arrange to have the device inspected. The fee for such inspection shall be \$25.00. If the Fire/rescue

Department finds that the device and its installation comply with all applicable codes and regulations, the fire/Rescue Department shall issue a permit. Permits may be obtained at either the Fire/Rescue Department or Code Enforcement Office and copies of the permits will be kept by both departments.

- A. A Solid Fuel Burning Device Permit shall be issued only when the occupancy where the device is installed complies with the following requirements:
 - 1. Smoke Detectors shall be installed, in accordance with the manufacturer's requirements at the time of the installation, within any bedroom or within 21 feet of the access door to any bedroom and one detector per 500 square feet of floor area of other living areas on each floor of the occupancy.
 - 2. Carbon Monoxide Detector(s) shall be installed, in accordance with the manufacturer's requirements at the time of installation, in the room where the solid fuel burning device is installed and in each area within, or giving access to, bedrooms.

Section 3: Chimney Ordinance (Adopted 2008 and incorporated June 7, 2011)

- A. It is required that chimneys for solid fuel burning appliances be of a fire-resistant masonry material, except as provided in paragraph 2 below.
- B. Installation of a prefabricated metal chimney is allowed if the chimney is listed as approved by Underwriters Laboratories or a similar nationally accredited testing laboratory and such listing is in effect at the time of installation. In addition, the use of the prefabricated metal chimney must be acceptable under any homeowner's insurance policy or other property and casualty insurance policy covering the building on which the chimney is installed.
- C. In the event of a chimney fire in any kind of chimney, before the chimney is used again the property owner must have the chimney inspected by a chimney sweep certified by the Chimney Safety Institute of America and provide proof of such inspection to the Town of Raymond Fire/Rescue Department.

ARTICLE VII DEFINITIONS AND REQUIREMENTS

Section 1. An approved automatic sprinkler system shall mean a system installed in accordance with the National Fire Protection Association Standard 13 or 13D.

Section 2. Any building requiring the installation of a Standard 13 System shall have a fire department connection. The location of the connection shall be approved by the Fire Chief and properly signed Fire Department Connection.

Section 3. All sprinkler systems installed under this Ordinance shall have the following:

- A. A tamper switch alarm at the system shut-off;

- B. An evacuation alarm for the building that will sound when the sprinkler system is activated. The evacuation alarm shall be audible throughout the entire building;
- C. An outside water flow alarm;
- D. Butterfly valves will not be allowed on any N.F.P.A. Standard 13 System;
- E. An automatic alarm to dispatch when the system is activated.

Section 4. Occupied or unoccupied buildings or portions thereof of any construction having a sprinkler system in place, shall maintain all sprinkler and standpipe systems and all component parts in a workable condition at all times, and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection these systems provide, except that this shall not prohibit the owner or occupant from temporally reducing or discontinuing the protection where necessary for the purpose of conducting tests, repairs, alterations, or additions. The tests, repairs, alterations or additions are to be done in such a way as to avoid the creation of a safety hazard.

The Fire Chief shall be notified before any such tests; repairs, alterations or additions are started.

Section 5. For the purpose of this Ordinance, the term building shall mean any structure except:

- A. Single-family dwelling, unless specifically included by local ordinance or state law.
- B. Two-family dwelling of two stories or less in height.
- C. Barn or stable used exclusively for agricultural purposes.
- D. Shelters having roofs supported by columns or walls and intended for storage, housing use or enclosure of persons, animals, or chattels, but not excepting any garage, out building, or any accessory buildings used for any commercial or industrial purpose.

Section 6. Any building having more than one sprinkler riser shall have the risers separately zoned and wired to a local alarm energy panel to provide zone identification upon activation. The energy panel shall be located at the energy alarm panel showing each zone of the building.

Section 7. A lock box shall be provided outside the building's main entrance to any building regulated hereunder, containing a key or keys to allow access to all fire department areas.

Section 8. A permit shall be obtained from the Fire Chief before the start of construction of the sprinkler system. A set of blueprints showing the entire sprinkler system and rate of flow shall be provided when the permit is obtained.

A copy of the permit shall be forwarded to the Code Enforcement Office. No Certificate of Occupancy shall be issued until the system has been properly installed, tested and approved by the Fire Chief or his designee.

Section 9. Any building containing a sprinkler system shall have a yearly test completed on the system by a qualified sprinkler technician. A written copy of the yearly test results shall be forwarded to the Fire Chief's office.

ARTICLE VIII NEW BUILDING CONSTRUCTION

Section 1. An approved automatic sprinkler system shall be installed in all areas of new buildings meeting any or all of the following criteria:

- A. Three (3) or more stories in height;
- B. Thirty-five (35) or more feet in height, one hundred thousand (100,000) cubic feet in volume or ten thousand (10,000) square feet in floor area, structures sharing a common foundation, roof, or walls totaling 10,000 square feet;
- C. Multiple family or multiple occupant dwelling and/or all lodging units of two (2) stories in height.
- D. Any single-family dwelling attached units – such as town houses, garden apartments, with three (3) or more units attached together and/or any grouping of 3 unit style buildings.
- E. Any building required to have sprinklers, larger than one dwelling unit, shall have sprinkler coverage in the truss loft.

ARTICLE IX BUILDING ADDITIONS

Section 1. An approved automatic sprinkler system shall be installed in addition to existing buildings when the cumulative area or volume of the total buildings, including the addition, equals or exceeds one hundred thousand (100,000) cubic feet in volume or ten thousand (10,000) square feet in area.

Section 2. In those instances where a proposed addition or additions will exceed twenty-five percent (25%) of the area and/or volume of the existing building and/or when the cost of the renovations of the existing building meeting the criteria in Article VIII New Building Construction Section 1A, B, or C, is equal to or greater than fifty percent (50%) of the then current building value as shown on the assessment records of the Tax Collector of the Town of Raymond, Maine, and when the resulting buildings including the addition or additions meets the criteria listed above, the existing building and addition or additions shall have an approved automatic sprinkler system.

ARTICLE X EXISTING COMMERCIAL/INDUSTRIAL BUILDINGS

Section 1. A change of use or occupancy, which increases the hazard classification, shall require the installation of a sprinkler system utilizing the NFPA Life Safety Code 101 hazard schedules.

ARTICLE XI

AUTHORITY

Section 1. The Fire Department shall have the authority to inspect any building greater than a 2-family residence, public assembly occupancy, 3 family or greater, business, or manufacturing facility on a yearly basis.

Section 2. Liquor licenses will not be granted without full compliance with Fire Code.

ARTICLE XII VIOLATIONS AND LEGAL ACTION

Section 1. When any violation of any provision of the ordinance shall be found to exist the Town Attorney, as designated by the Municipal Officers and upon notice from the Fire Chief or his designee, is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town.

ARTICLE XIII FINES

Section I. Any person, firm, or corporation being the owner or having control or use of any building or premises who violates any of the provisions of this Ordinance, shall be guilty of a civil offense and shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each offense. Each day such violation is permitted to exist after notification shall constitute a separate offense.

ARTICLE XIV

This Ordinance shall be effective upon its adoption at the Town Meeting at which it is voted on.

[The ordinances entitled Town of Raymond Municipal Fire/Rescue Ordinance and Sprinkler System Ordinance were combined and renamed Town of Raymond Fire Protection Ordinance by Town Meeting vote on March 17, 2001.]

APR 11 1997

FLOODPLAIN MANAGEMENT ORDINANCE

FOR THE TOWN
OF RAYMOND

AMENDED: 3/15/97

CERTIFIED BY:

M. H. O'Brien
Town Clerk

STATEMENT OF PURPOSE AND INTENT

Certain areas of the Town of Raymond, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of Raymond, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in the attached Floodplain Management Ordinance.

It is the intent of the Town of Raymond, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

This body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to MRSA Title 30A, Sections 3001-3007, 4352 and 4401-4407.

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FLOODPLAIN MANAGEMENT ORDINANCE

ARTICLE I - ESTABLISHMENT

The Town of Raymond, Maine elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Raymond having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Raymond, Maine.

The areas of special flood hazard, Zones A and A1-30, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - Town of Raymond, Maine, Cumberland County," dated November 5, 1980 with accompanying "Flood Insurance Rate Map" dated May 5, 1981 is hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other building permits which may be required pursuant to the codes and ordinances of the Town of Raymond, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name and address of the applicant;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure;
- E. A statement as to the type of sewage system proposed;
- F. Specification of dimensions of the proposed structure;
- G. The elevation in relation to the National Geodetic Vertical Datum (NGVD) or to a locally established datum in Zone A only, of the:

1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zones A1-30 from data contained in the "Flood Insurance Study - Town of Raymond, Maine," as described in Article I; or,
 - b. in Zone A, to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building;
 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 3. lowest floor, including basement; and whether or not such structures contain a basement; and,
 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- H. A description of a base flood elevation reference point established on the site of all new or substantially improved structures;
- I. A written certification by a registered land surveyor that the elevations shown on the application are accurate;
- J. Certification by a registered professional engineer or architect that floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.G.4; Article VI.G; and other applicable standards in Article VI;
- K. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- L. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee as established in the town fee schedule shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be

heard on the subject. An applicant who is dissatisfied with a decision of the Code Enforcement Officer may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW OF FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed building sites are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications, the base flood data contained in the "Flood Insurance Study - Town of Raymond, Maine," as described in Article I. In special flood hazard areas where base flood elevation data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other sources, including information obtained pursuant to Article III.G.1.b.; Article VI.J; and Article VIII.D, in order to administer Article VI of this Ordinance;
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the Maine State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. Issue a two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an application for Part II of the Flood Hazard Development Permit and shall include an Elevation Certificate completed by a registered Maine surveyor for compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the application, which review shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; and,
- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permits issued and data relevant thereto, including reports of the Board of Appeals on variances granted

under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates and Certificates of Compliance required under the provisions of Article VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

All developments in areas of special flood hazard shall meet the following applicable standards:

- A. All new development, new construction or substantial improvement of any structure shall:
1. be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. use construction materials that are resistant to flood damage;
 3. use construction methods and practices that will minimize flood damage; and,
 4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
- added / cumulative SI*
- include the total cost of all improvements, modifications, additions, and reconstruction projects. All costs shall be accrued over a period of 10 years. Once the total cost of the project reaches 50% of the building's market value at the time of the first permit application following the effective date of 3/15/97, the project is considered a substantial improvement.
- B. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- C. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. All development shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of any watercourse.
- F. New construction or substantial improvement of any residential structure located within:
1. Zones A1-30 shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.

2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.G.1.b.; Article V.B; or Article VIII.D.

G. New construction or substantial improvement of any non - residential structure located within:

1. Zones A1-30 shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood level so that below that elevation the structure is watertight with walls substantially impermeable to passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.J and shall include a record of the elevation above mean sea level of the lowest floor including basement.
2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.G.1.b.; Article V.B; or Article VIII.D., or
 - a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.

H. New or substantially improved manufactured homes located within:

1. Zones A1-30 shall:
 - a. be elevated on a permanent foundation such that the lowest floor is at least one foot above the base flood elevation; and,
 - b. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,

- (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
- (3) All components of the anchoring system described in Article VI, paragraph H.1.b.(1)(2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

- a. be elevated on a permanent foundation such that the lowest floor is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.G.1.b.; Article V.B; or Article VIII.D.; and
- b. meet the requirements of Article VI.H.1.b.

I. Recreational Vehicles located within:

1. Zones A1-A30 shall either:

- a. be on the site for fewer than 180 consecutive days,
- b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
- c. meet the permit requirements of elevation and anchoring requirements for "manufactured home" in Article VI. H. 1. a & b.

J. Floodways

1. In Zones A1-30, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in riverine areas, for which a regulatory floodway is designated on the community's "Flood Boundary and Floodway Map," unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones A1-30 riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

- a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in *Chapter 5* Section 2-7 entitled "Hydraulic Analyses," Flood Insurance Study - Guidelines and Specifications for Study Contractors, (FEMA 37/ March 1993, as amended). *1-95*
 - 3. In Zone A riverine areas, in which the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided meeting the requirements of Article VI, paragraph J.2.
- K. New construction or substantial improvement of any structure in Zones A1-30 and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces may be enclosed below the elevation requirements provided all the following criteria are met or exceeded:
- 1. Enclosed areas are not "basements" as defined in Article XIII; and,
 - 2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either:
 - a. be certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means; and,
 - 3. The enclosed area shall not be used for human habitation; and,

4. The enclosed area may be used for building maintenance, access, parking vehicles, or storing of articles and equipment used for maintenance of the building.

ARTICLE VII - CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

- A. The applicant shall submit an Elevation Certificate completed by:
 1. a registered Maine surveyor for compliance with Article VI, paragraphs F, G, or H; and,
 2. a registered professional engineer or architect, in the case of floodproofed non-residential structures, for compliance with Article VI.G; and,
- B. The application for a Certificate of Compliance shall be submitted by the applicant in writing along with a completed Elevation Certificate to the Code Enforcement Officer.
- C. The Code Enforcement Officer shall review the application within 10 working days of receipt of the application and shall issue a Certificate of Compliance, provided the building conforms with the provisions of this Ordinance.

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on 5 or more acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevation and, in a riverine floodplain, floodway data.
- E. Any proposed development plan shall include a statement that the developer will require that structures on lots in the development be constructed in accordance with Article VI of this ordinance and that such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement

shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE IX - APPEALS AND VARIANCES

The Board of Appeals of the Town of Raymond may, upon written application of an aggrieved party, hear and decide appeals from determinations of the Code Enforcement Officer in the administration of the provisions of this Ordinance. The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - 1. a showing of good and sufficient cause; and,
 - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
 - 3. a showing that the existence of the variance will not cause a conflict with other state, federal or local laws or ordinances; and,
 - 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,
 - d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- D. Variances may be issued by a community for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
1. other criteria of Article IX and Article VI.J are met; and,
 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued by a community for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places, without regard to the procedures set forth in Article IX, paragraphs A through D.
- F. Any applicant who meets the criteria of Article IX, paragraphs A through E shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
1. The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 Per \$100 of insurance coverage;
 2. such construction below the base flood level increases risks to life and property; and,
 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- G. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

ARTICLE X - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to 30A MRSA § 4452.
- B. The penalties contained in 30A MRSA § 4452 shall apply to any violation of this ordinance.

- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;
1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
 3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
 4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
 5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

ARTICLE XIII - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

Adjacent Grade - means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Area of Special Flood Hazard - means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

Base Flood - means the flood having a one percent chance of being equalled or exceeded in any given year, commonly called the 100-year flood.

Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

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(**Breakaway Wall** - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building - see **Structure**.

Certificate of Compliance - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Code Enforcement Officer - any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

Development - means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

Elevated Building - means a non-basement building:

- (i) built, in the case of a building in Zones A1-30, AE, A, AO, or AH, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A1-30, AE, A, AO, or AH, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Elevation Certificate - An official form (FEMA Form 81-31, 05/93, as amended) that

- (i) is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- (ii) is required for purchasing flood insurance.

Flood or Flooding - means:

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood Elevation Study - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Administrator of the Federal Insurance Administration has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - see **Flood Elevation Study**.

Floodplain or Flood-prone Area - means any land area susceptible to being inundated by water from any source (see flooding).

Floodplain Management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain Ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing - means any combination of structural and non- structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

Floodway - see **Regulatory Floodway**.

Floodway Encroachment Lines - mean the lines marking the limits of floodways on federal, state, and local floodplain maps.

Freeboard - means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Functionally Dependent Use - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1) By an approved state program as determined by the Secretary of the Interior, or
 - 2) Directly by the Secretary of the Interior in states without approved programs.

Locally Established Datum - means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI of this ordinance.

Manufactured Home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured

home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate map are referenced.

New Construction - means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

100-year flood - see **Base Flood**.

Recreational Vehicle - means a vehicle which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

- (i) means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
- (ii) in riverine areas is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Riverine - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area - see **Area of Special Flood Hazard**.

Start of Construction - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure - means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Substantial Damage - means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structures's continued designation as a historic structure.

Variance - means a grant of relief by a community from the terms of a floodplain management regulation.

Violation - means the failure of a structure or development to comply with a community's floodplain management regulations.

ARTICLE XIV - ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

60.3 (c&d)



Ordinances

TOWN OF RAYMOND

ADOPTED MARCH, 1970
WITH AMENDMENTS ADOPTED
MARCH, 1980
OCTOBER, 1983
MAY, 1984
JANUARY, 1985
MARCH, 1986
OCTOBER, 1986
MAY 15, 1993
MAY 21, 1994
MAY 19, 1995
MAY 20, 1997
MARCH 18, 2000
MARCH 17, 2001
MAY 17, 2003
JUNE 7, 2011
JUNE 5, 2012
JUNE 4, 2013
JUNE 7, 2016
JUNE 5, 2018
NOVEMBER 13, 2018

RAYMOND, MAINE

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ADDRESSING ORDINANCE

March 15, 1997

Amended June 4, 2013

Amended June 5, 2018

Section 1. Purpose:

The purpose of this Ordinance is to enhance the effective and rapid location of properties by public safety personnel including: law enforcement, fire, rescue, and emergency medical services personnel in the Town of Raymond.

Section 2. Authority:

This Ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.

Section 3. Administration:

This Ordinance shall be administered by the Board of Selectmen, Town Manager, and E911 Coordinator. The Board of Selectmen is authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Section 4 and 5. The E911 Coordinator shall also be responsible for maintaining the following records of this Ordinance:

- A. A Raymond map of official use showing road names and numbers;
- B. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers;
- C. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

Section 4. Naming System:

All roads that serve two or more properties shall be named regardless of whether the ownership of the road is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel or dirt thoroughfare. "Property" refers to any property on which more or less a permanent structure has been erected. A road name assigned by the Town of Raymond shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- A. No two roads shall be given the same name (e.g. no Pine Street and Pine Lane);
- B. No two roads shall have similar-sounding names (e.g. no Woodlawn Avenue and Woodland Street).

- C. Each road shall have the same name throughout its entire length, except, when authorized by the Board of Selectmen, the name may change at a significant landmark or intersection.

Section 5. Numbering System:

Numbers shall be assigned every fifty (50) to two hundred (200) feet, depending on density and geographic location (e.g. 50 feet in Village areas and up to 200 feet in rural areas), along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, determined by the number origin.

The following criteria shall govern the numbering system:

- A. All number origins shall begin from Roosevelt Trail or that end of the road closest to Roosevelt Trail. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
- B. The number assigned to each structure shall be that of the numbered interval falling closest to the front door. If the front door cannot be seen from the main road, the number shall be that of the interval falling closest to the driveway of said structure.
- C. Every structure with more than one principal use or occupancy shall have a separate number for each use or occupancy. (i.e. duplexes will have two separate numbers; apartments will have one road number with an apartment number, such as 235 Maple Street, Apt. 2).

Section 6. Compliance:

All owners of structures shall, by the date stipulated in Section 8, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

- A. Number on the structure or residence: Where the residence or structure is located and clearly visible within 50 (fifty) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure near the front door or entry;
- B. Number at the street line: Where the residence or structure is over fifty (50) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box (when such mailbox is located on the same side of the street where the principal structure is located), or on some structure at the property line next to the walk or access drive to the residence or structure.
- C. Size and color of number: Numbers shall be at least 3" in height, contrasting color to the background, and shall be located to be visible from the road on a permanent structure, post or mailbox. The number should be high enough so that snow does not obstruct it in the winter months.
- D. Every person whose duty is to display the assigned number shall remove any different number that might be mistaken for, or confused with, the number assigned in conformance

with this Ordinance. (Note: Historic dates identifying when the property was established or the structure was built shall be exempt from the section. Careful consideration of clear distinction between a historical date and the physical address numbers shall be made by the property owner.)

- E. Interior location: All residents and other occupants are requested to post the assigned number and road name next to their telephone for emergency reference.
- F. The Fire/Rescue Department shall receive notification from the Code Enforcement Officer whenever a Certificate of Occupancy is issued in the Town of Raymond.

Section 7. New Construction and Subdivisions:

All new construction and subdivision shall be named and numbered in accordance with the provisions of this Ordinance and as follows:

- A. New Construction: Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the E911 Coordinator. This shall be done at the time of the issuance of the building permit.
- B. New Subdivisions: Any prospective sub-divider shall show a proposed road name and lot numbering system of the pre-application submission to the Planning Board. Approval by the Planning Board, after consultation with the Board of Selectmen, shall constitute the assignment of the road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every fifty (50) feet to aid in the assignment of numbers to structures subsequently constructed.

Section 8. Effective Date:

This Ordinance shall become effective as of January 1, 1998. It shall be the duty of the Board of Selectmen to notify by mail each property owner and the Post Office of a new address at least thirty (30) days before the effective date of its use. It shall be the duty of each property owner to comply with this Ordinance, including the posting of new property numbers, within thirty (30) days following notification. On new structures, numbering will be installed before final inspection or when the structure is first used or occupied, whichever comes first.

Section 9. Enforcement:

- a) PENALTY FOR VIOLATION: Any person who violates the provisions of this Ordinance after written notice of violation from the Code Enforcement Officer commits a civil violation punishable by a penalty of not less than \$50.00/day and not more than \$500.00 total to be recovered by the Town of Raymond. Each day such violation continues shall constitute a separate violation.

- b) ENFORCEMENT: This Ordinance shall be enforced by the Town of Raymond Code Enforcement Officer. Fire/Rescue Department or Law Enforcement personnel shall forward any known violation of the Ordinance to the Code Enforcement Officer for enforcement in accordance with the requirements in this Ordinance.
- c) CERTIFICATE OF OCCUPANCY: The Code Enforcement Officer shall not issue a Certificate of Occupancy until numbering is installed in accordance with the requirements set forth in this Ordinance.

Section 10. Severability:

In the event that any portion of this Ordinance is found by a court to be invalid, the remaining provisions shall continue in full force and effect.

ADULT BUSINESS ORDINANCE

May 15, 1993

Amended June 5, 2018

1. Definitions.

- a. "Adult business" means any business in any use category, a substantial or significant portion of which consists of selling, renting, leasing, exhibiting, displaying or otherwise dealing in materials or devices of any kind which appeal to prurient interests and which depict or describe sexual activities.
- b. "Specified sexual activities" means:
 - i. human genitals in a state of sexual stimulation or arousal;
 - ii. acts of human masturbation, sexual intercourse or sodomy;
 - iii. fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- c. Less than completely and opaquely covered:
 - i. human genitals, pubic region;
 - ii. buttock;
 - iii. female breast below a point immediately above the top of the areola.
- d. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- e. "Public building" means a building owned, operated or funded in whole or in part by the Town of Raymond which members of the general public have occasion to visit, either regularly or occasionally, such as, but not limited to, the Town Hall, the Public Library, the Police Station and Fire Stations.
- f. "Viewing Booth" means any booth, cubicle, room or stall within the premises of an adult business used to display by audio or visual reproduction, projection or other means, any of the materials described in subparagraph (a) above.

2. Location of adult businesses restricted. No adult business shall be located:

In any location where the customer entrance to the adult business would be closer than 1,000 feet, measured in a straight line without regard to intervening structures or objects, to the nearest point on the boundary of any property which is:

- a. occupied by a residence, school, park, playground, church or public building;
- b. located in a residential zone; or
- c. occupied by another adult business.

3. Outside displays prohibited. No materials or devices displaying or exhibiting specified sexual activities shall be visible from the exterior of the building in which the adult business is located.
4. License Required. No person shall own or operate an adult business without first obtaining a license from the Raymond Board of Selectmen.
5. Licensing Requirement. No person shall own or operate a viewing booth unless the viewing booth will be clearly visible from the interior common areas of the premises and that visibility into the viewing booth shall not be blocked or obscured by any doors, curtains, partitions, drapes, or any other obstruction.
6. License Fee. A license shall be required for each adult business. The fee for each license shall be \$100.00.
7. Term of License. Licenses issued pursuant to this Ordinance shall be for a term of no more than one year and shall expire annually on December 31st.
8. Suspension or Revocation of License. The Board of Selectmen may, after notice to the licensee and hearing, suspend or revoke any adult business license issued under this Ordinance upon a finding that the licensee has violated any of the provisions of this Ordinance.
9. Penalty. The violation of any provision of this Ordinance shall be punished by a civil penalty of not less than \$250 and not more than \$500 for each offense. Each act of violation and every day upon which any such violation occurs shall constitute a separate offense. In addition to such civil penalty, the Town may enjoin or abate any violation of this Ordinance by appropriate action.
10. Severability. In the event that any section or any portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such declaration shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.
11. Applicability to Pending Applications. Notwithstanding anything to the contrary in 1 M.R.S.A. §302, the provisions of this Ordinance shall apply to any application, request or proposal to locate or operate any adult business which may be pending on the effective date of this Ordinance.

BARKING DOGS

Adopted May 1984

Amended March 1997

Amended March 17, 2001

Amended June 5, 2018

Definition. No person shall own, possess or harbor within the Town of Raymond any dog which by loud, and frequent and habitual barking, howling, or yelping disturbs the peace of any person.

First Offense. Any person, who shall violate the provisions of this section, shall upon the first occasion thereof be given a written warning which shall include the date and time it was issued.

Subsequent Offense(s). Upon any subsequent violation within a period of six (6) months from such warning, the person found to be in violation shall be punished by a civil penalty as is set forth annually by the Board of Selectmen in the Town Fee Schedule.

Enforcement. This Ordinance shall be enforced by the Animal Control Officer and any Assistant Animal Control Officer(s) of the Town of Raymond.

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BUDGET AND FINANCE COMMITTEE ORDINANCE

Adopted March 1980
Amended May 19, 1995
Amended June 5, 2018

SECTION 1. Title

This Ordinance shall be known as the Town of Raymond Budget and Finance Committee Ordinance.

SECTION 2. Authority

This Ordinance is enacted pursuant to 30-A MRSA §3001.

SECTION 3. Purpose

The purpose of this Ordinance is to merge the Town Finance Committee and the Town Budget Committee.

SECTION 4. Merger

The Town Budget Committee, as previously established and governed by the terms of the March 1980 Ordinances, and the Town Finance Committee, as established by vote of the Town on March 18, 1978, and governed by the terms of the March 1980 Ordinance, shall be combined into a Budget and Finance Committee.

SECTION 5. Powers and Duties

The Budget and Finance Committee shall have the following powers and duties:

- A. To consider each article for raising, appropriating or borrowing monies to be expended by or for the Town, with opportunity for discussion with those persons proposing the same, and to make recommendations on such articles to the Town Meeting for which they were drawn, which shall appear on the Warrant in substantially the following form, "The Town Budget and Finance Committee recommends approval/disapproval."
- B. To discuss with and make recommendations to the Select Board on proposals for specific expenditures.
- C. To investigate and recommend to appropriate Town departments the availability of Federal and State and other grants, loans, guarantees and other assistance for the Town and the types, terms, benefits and disadvantages thereof.
- D. To study and make recommendations on the general financial position, policies and practices of the Town and its departments.
- E. To study and make recommendations on any proposal for payment for services or equipment by bond or note. Any such proposal, with the exception of general tax anticipation notes which will be reviewed under Section (5D), will be accompanied by an impact statement and recommendation for rejection or approval.
- F. To develop and maintain, with the input from all other committees and Boards in Town, a five (5) year moving Capital Improvement Plan.
- G. To study and report to the Select Board potential revenue raising opportunities that may require actions by the Board or Town Manager.

Section 6. Membership, Quorum, Voting

- A. The Budget and Finance Committee shall consist of seven (7) voting members, plus the Chair of the Select Board who shall be a NON-VOTING EXOFFICIO member. The reduction in number from nine (9) to seven (7) will occur due to attrition. Existing members may continue as voting members on the committee and each may petition to be a candidate on upcoming ballots.

The first 2 seats vacated by attrition (seat still open after an election, non-acceptance of the position, resignation, death, removal from the municipality, or recall) will not be filled. When a seat is vacated, the term of office for any open seats will be adjusted at the next election to keep the terms staggered. The number of members will be reduced to seven (7) during the June 2020 Election if attrition has not reduced the membership to seven (7).

- B. The Chair and the Vice-Chair of the Budget and Finance Committee shall be elected by a majority of the Budget and Finance Committee voting members at the first meeting after June 30th each year.
- C. Voting members must be residents of the Town of Raymond, and shall be elected annually by the Town via a secret ballot vote at the annual Town Meeting, and have staggered three (3) year terms.
- D. Any vacancy among the voting members shall be filled either via appointment by the Select Board until the next annual Town Meeting secret ballot vote following the creation of that vacancy, or by the Town at the first annual Town Meeting secret ballot vote following the creation of that vacancy.
- E. The Budget and Finance Committee shall officially act only in the presence of a quorum of four (4) voting members. Official motions will pass only on a majority vote of all voting members of the Budget and Finance Committee, unless the Budget and Finance Committee unanimously votes to adopt other rules at the first meeting of the year after the Annual Meeting and agrees to utilize the revised voting procedure for the full year. No member of the Budget and Finance Committee shall vote on a budget item in which the member has an interest.
- F. All members will abide by the rules for Conflict of Interest pursuant to 30-A MRSA §2605.
- G. All members will sign upon taking their oath of office and will adhere to the Town of Raymond Code of Ethics for Appointed and Elected Municipal Officials.

Section 7. Non-Attendance

In the event a member of the Budget and Finance Committee fails to attend, without being excused by the Chair of the Budget and Finance Committee, three (3) consecutive regularly scheduled business meetings or two (2) consecutive regularly scheduled Town Budget Review Meetings, the Budget and Finance Committee by unanimous vote of all attending members of that third regularly scheduled business meeting or second regularly scheduled Town Budget Review Meeting may remove the member from office and have the member replaced under the vacancy section of (6-D) above.

Section 8. Severability

If any part or parts, section or subsection, sentence, clause or phrase of this Ordinance is for any reason declared to be unconstitutional or invalid, such shall not affect the validity or constitutionality of the remaining portions of this Ordinance or any rules or regulations promulgated hereunder.

Section 9. Effective Date

This Ordinance shall become effective upon passage by the legislative body of the Town of Raymond at a duly called Town Meeting.

CABLE TELEVISION ORDINANCE

(Available under separate cover.)

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CEMETERY ORDINANCE

Adopted March 18, 2000

Amended June 5, 2012

Amended June 5, 2018

I. PURPOSE

To preserve and protect the Cemeteries as peaceful and beautiful areas that serve as reverent symbols of the citizens' respect for the deceased, and for the protection of lot owners, the following Cemetery Ordinance is hereby established for all Raymond Cemeteries owned or operated by the Town.

In formulating this Ordinance, a balance of the interests of the various stakeholders (purchasers and owners of rights of interment; family, friends, and acquaintances of the deceased buried therein); Raymond citizens and taxpayers; maintenance workers; and commercial providers is taken into consideration. In particular, this Ordinance is based upon a proper fit of the Cemeteries in Raymond, aesthetics of the park-like spaces, the cost of maintaining them, historical preservation, civic pride, and most important of all, safety of all who enter these Cemeteries.

All lot owners and persons visiting the cemeteries shall abide by this Ordinance as herein enacted and as hereafter amended, which is intended to assist in maintaining our cemeteries as peaceful and beautiful areas as well as reverent symbols of respect for the dead.

II. DEFINITIONS

- A) **Corner Markers** – grade level plot or lot identification object made of stone or stone and bronze
- B) **Grantee** – the Grantee is the individual who has purchased the plot(s) or has inherited the plot(s) from a deceased predecessor Grantee or has purchased the plot(s) from the previous Grantee
- C) **Lot** – multiple contiguous plots
- D) **Marker** (also called flush markers/memorials) – any grade level burial site identification object made of stone or stone and bronze
- E) **Monument** – any above grade level burial site identification object made of stone, or stone and bronze
- F) **Plot** – the basic unit of space within the Cemeteries used or intended to be used for the burial of human remains, approximately four (4) feet by eight (8) feet space for one (1) vault/casket burial or up to eight (8) cremains (each in a two (2) foot by two (2) foot space)

III. CEMETERY RESPONSIBILITIES

1. Cemetery Committee

- a) Survey cemeteries to determine stones that need to be repaired and report to the Cemetery Supervisor
- b) Organize volunteers to clean the stones such that each stone is cleaned at least

- once in every ten (10) year period
- c) Review Cemetery Ordinance for potential updates/amendments at least once in every five (5) year period

2. **Sexton**

- a) For new sale of plots
- Mark corners with temporary stakes and check that there is not already a burial in the plot that is being sold
 - Work with vendors to ensure stones are set in the correct way
 - Check that the corner markers are set in the correct place
- b) Be available to either dig the hole for burials or recommend a qualified grave digger

3. **Cemetery Supervisor**

- a) Data steward for all Cemetery data
- Build database from existing maps, spreadsheets, and conveyance documents
 - Maintain data ongoing by selling plots via the purchased software and updating with burial information
- b) Oversee all sales of plots
- Coordinate with Sexton to be sure that the plot is able to be sold (not already occupied, not ledge, etc.)
 - Record sales in database and issue conveyance to buyer
- c) Coordinate with vendor to repair and/or clean stones each year as budget monies allow
- d) Purchase stakes as corner markers for Sexton
- e) Work with Public Works Director to submit a budget each year
- f) Provide stone cleaning materials for the Cemetery Committee volunteers
- g) Maintain a file of certificates of insurance for vendors and update annually

IV. GENERAL PROVISIONS

1. **Name.** This Ordinance shall be known as the Town of Raymond Cemetery Ordinance.
2. **Authority.** This Ordinance is enacted pursuant to Title 30-A, Sections 3001 and 3002.
3. **Liability.** The statement of any employee or agent, unless confirmed in writing by an authorized representative of the Cemeteries or the Town of Raymond shall in no way bind the Cemeteries or the Town of Raymond.
4. **Corrections.** The Town reserves the right to correct any errors that may be made by them in making interments, dis-interments, or removals or in the description, transfer, or conveyance of any lot. Such corrections may include cancelling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the Sexton or Cemetery Supervisor, or, in the sole discretion of the Town, by refunding the amount of money paid to the Town on account of said conveyance. Errors of lot owners in failing to specify proper interment position, or of monument dealers in failing to clearly specify monument or marker foundation positions will be subject a fair additional charge in the event a change is required.

5. **Enforcement.** The Board of Selectmen and its authorized representatives are hereby empowered to enforce this Ordinance and to exclude from the cemeteries any person(s) deliberately violating this Ordinance. The Board of Selectmen and its authorized representatives shall have charge of the grounds and buildings within the Town of Raymond Cemeteries and shall have supervision and control of employees and all persons visiting the Cemeteries, whether lot owners or otherwise.
6. **Damage or Injury.** The Town expressly disclaims responsibility for any property damage or injury sustained by any person.
7. **Effective Date.** This Ordinance shall become effective when enacted/amended by the voters at Town Meeting.
8. **Validity.** If any part of this Ordinance is declared invalid, the declaration shall not affect the validity of the remaining portions of the Ordinance.
9. **Enforcement.** Any violation of this Ordinance will be treated as a trespass or nuisance, depending on the violation, and will be referred to the Town Manager or Cumberland County Sheriff or Maine State Police accordingly. Violation of this Ordinance may also lead to prosecution for violation of federal or state laws. Improper conduct or violation of this Ordinance by anyone may result in a request to leave the Cemeteries.
10. **Losses.** Reasonable precautions will be taken to protect Grantees from loss or damage, but the Town will not be responsible for loss or damage from causes beyond their reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, malicious mischief-makers, explosions, unavoidable accidents, invasions insurrections riots, or order of any military or civil authority whether the same be direct or collateral.
11. **Insurance.** All commercial service providers entering the Cemeteries to perform services or deliver commercial products must have liability and workers compensation coverage consistent with the Town's requirements and present proof of insurance to the Cemetery Supervisor. The Cemetery Supervisor shall maintain a file of such proof of insurance and update it annually.

V. HOURS OF OPERATION

1. **Open Hours.** The cemeteries will be open from one-half hour prior to sunrise to one-half hour after sunset.
2. **Closed Hours.** No person other than a Town employee, the Sexton, or Cemetery Committee member on authorized duties or a person accompanied by an authorized Town employee, the Sexton, or Cemetery Committee member shall enter any cemetery after the hours or times specified.

VI. FEES & PURCHASING PLOTS

1. **Fees.** All fees are set annually by the Board of Selectmen. All fees or charges for services are payable at the Town Office, except that interment charges may be payable through the Sexton or an approved funeral director, and any foundation charges for monument or marker emplacement may be payable through an approved monument dealer.
2. **Gratuity.** No gratuity shall be accepted by any Town employee.
3. **Process.** Persons desiring to purchase lots should:
 - a. Go to the Town Office and ask for a list of plots available and a map for the cemetery of their choice.
 - b. Visit the cemetery and choose the plot(s).
 - c. Contact the Cemetery Supervisor at the Town Office with their choice(s).
 - d. The Cemetery Supervisor will request that the Sexton check the site to be sure it is not already occupied, and that it is not ledge, and mark the corners of the plot(s) with stakes.
 - e. The Cemetery Supervisor will issue a Conveyance Certificate (right to bury human remains or to bury the ashes of a human being ("cremated remains" or "cremains") or to memorialize the human dead in a plot in a Raymond Cemetery) upon the payment in full of the current price for such Conveyance.
 - f. Any special rules relating to such plot(s) will be explained and a copy of this Ordinance will be provided.
4. **Payment.** Complete payment of the purchase price for the plot(s) must be made to the Town before any burial or marker placement is permitted. No partial payments will be accepted. Upon full payment for the plot(s) the Grantee will be issued a Conveyance Certificate.
5. **Violations.** Any person violating any provisions of this Ordinance shall be subject to a civil penalty of not more than \$100.00, plus attorney's fees and costs, provided that if such violation results in damage to cemetery property, appurtenances, fixtures, or other installations therein, such person(s) shall be subject to a civil penalty of not less than \$100.00 but not more than \$2,500.00, plus attorneys' fees and costs. Each day a violation occurs shall be deemed a separate offense.
6. **Lots.** Any contiguous plots purchased will be considered as 1 lot and will include any identified walkways between plots.
7. **Corner Markers.** Once purchased, the outer corners of a single plot or a lot may be marked with grade level Corner Markers.

VII. OWNERSHIP

1. **Descent.** The laws of the State of Maine govern the descent of title to Cemetery lots, as well as other matters relating to their ownership. It is important that, on the death of an owner of a lot, the heirs or devisees of such person should file in the office of the respective Cemetery full proof of ownership for the purpose of correcting the record. Notarized statements as to relationship and certified copies of wills are normally sufficient.
2. **Change of Ownership.** It shall be the duty of the Grantee (or Grantee's descendants or assigns) to notify the Town of any change of address or ownership by inheritance. Any purported change in ownership must be supported by adequate evidence to the satisfaction of the Cemetery Supervisor.
3. **Grantee.** The Grantee "owns" the rights, but does not own the real property, just the right to use one or more specific burial sites in the Cemeteries subject to this Ordinance as well as applicable laws and ordinances.
4. **Repurchase.** All sales of plots are final. The Town has no obligation to repurchase plot(s) from Grantees.
5. **Transfer.** Transfer of lots will not be recognized until the Town of Raymond receives notification and satisfactory proof of the transfer.
6. **Exchanges.** The Town may, but is not obligated to, allow exchanges of plot(s) for different burial sites within its Cemeteries.

VIII. RULES OF CONDUCT & PROHIBITIONS

1. **Mischief.** No person shall destroy, mutilate, deface, injure or remove any tomb, Monument, gravestone, Marker or other structure placed within any cemetery, or any fence, railing or other work for the protection or ornamentation of any tomb, Monument, gravestone, Marker or other structure aforesaid, or any cemetery lot within any cemetery.
2. **Substance.** No person shall be in possession of any alcoholic beverage within any Cemetery. No person shall be in possession of or consume any illegal substance within Cemeteries.
3. **Solicitations.** Whether charitable, political or otherwise, solicitations are prohibited in any Cemetery.
4. **Waste.** Only refuse related to cemetery usage may be deposited in a Cemetery's waste containers. No sewerage may be deposited on cemetery grounds.
5. **Dignity.** No person shall behave in a loud, indecent or disorderly manner or create any unnecessary disturbance. No person shall conduct or participate in any sport, game or

contest in any cemetery. Any person visiting the cemeteries shall use only the walks and roadways provided and shall not walk upon or across plots unless necessary where walks or roadways are not provided.

6. **Pets.** No person shall permit any animal, including dogs, owned by him, in his custody, or under his control within any cemetery unless attached to a leash not longer than eight (8) feet held by the person. Persons walking dogs in the Cemeteries must pick up any of their droppings and dispose of it outside of the Cemeteries and will be strictly liable for any personal harm or property damage caused by the dog.
7. **Horses.** Horses are prohibited from the Cemeteries except for the purpose of funeral, ceremonial, or memorial functions. Owners are responsible for cleaning up after their horses.
8. **Firearms.** The bringing of firearms into any cemetery, except by a military escort, is prohibited. The discharging or carrying of weapons of any type, or the hurling of rocks or pellets, or discharging fireworks therein is strictly prohibited. This is not to be construed as prohibiting ceremonial volleys with blank charges by properly supervised honor guards as a tribute to a deceased person if such ceremonial has been previously approved by the Town.
9. **Prohibited.** No glass jars or breakable flower containers shall be placed on lots. True floral containers, recessed holders and baskets are recommended. No eternal flames or any open flames. No groups organized to protest are allowed within a twenty five (25) foot radius of Cemetery grounds.
10. **Functions.** The only group functions that are allowed within the Cemeteries are funerals, burials, memorial services, and educational tours. Other types of functions are not permitted unless permission is sought and granted by the Raymond Town Manager or the Raymond Code Enforcement Officer.

IX. VEHICULAR TRAFFIC

1. **Control.** Motor cars and vehicles must be kept under complete control at all times.
2. **Funeral Cortege.** When meeting a funeral cortege, all vehicles must stop until the procession passes. All vehicles must not pass a funeral cortege, either stopped or in motion.
3. **Speed.** Maximum speed limit – 10 miles per hour.
4. **Cemetery Roads.** No vehicle may be driven or parked upon any grave, lot or lawn. Parking or leaving any vehicle on any road or drive in such a way as to prevent any other vehicle from passing is prohibited.
5. **Prohibited:**
 - a. Commercial vehicles that are not directly involved in the business of the Cemeteries are not permitted.

- b. Snowmobiles, unregistered motor vehicles such as dirt bikes and all-terrain vehicles, and bicycles are prohibited within the Cemeteries except as may be in attendance at funerals.

X. MAINTENANCE & PLANTS

1. **General.** The general care of the surface conditions of the Cemeteries is the responsibility of the Town and includes cutting the grass, trimming the bushes and trees, and raking and cleaning the grounds. The Town does not assume the responsibility for caring for or planting flowers or ornamental plants, or repairing or replacing Monuments or Markers.
2. **Maintenance.** The Town of Raymond reserves the right to enlarge, reduce, replot or change the boundaries or grading of the cemeteries, or a section or sections thereof, from time to time, including the right to modify or change the location of, or remove or regrade roads, drives or walks, or any part thereof.
3. **Access.** The Town Cemeteries reserve to themselves, and to those lawfully entitled thereto, a perpetual right of ingress and egress over lots for the purpose of passing to and from other lots.
4. **Water.** The Town also reserves the right to lay, maintain and operated, or alter or change, pipe lines or gutters for water systems and drainage purposes and to use cemetery property, but not inconsistent with the rights of the owners of plots already sold.
5. **Damage.** All reasonable precautions will be taken to protect lot owners and the property right of lot owners within the cemeteries from loss or damage.
6. **Plantings.** The cemeteries will undertake to maintain, as may be practicable, the planting of trees and shrubs to preserve its landscape features, but will not undertake to maintain individual plantings, or urns of plants, unless previously arranged under Section XI. Perpetual Care.
7. **Removal.** The Town shall have the right to remove all floral designs, vases, urns, decorations, wreaths, plants, flowers, weeds, trees, shrubs, plants, from the Cemeteries as soon as, in their judgment, they become unsightly, dangerous, and other materials placed in Cemeteries that, in their opinion, become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained in said Cemeteries.
8. **Floral Pieces.** The Cemeteries shall not be responsible for floral pieces, baskets etc. in which or to which floral pieces are placed or attached beyond their acceptance for services held in the Cemeteries, and shall not be responsible for frozen plants, plants damaged by the elements, thieves, vandals or by other causes beyond their control.

9. **Waste.** Individuals who enter the Cemeteries must carry out all waste that they create while in the Cemeteries. Depositing of waste, rubbish, and debris on the grounds of the Cemeteries, or neighboring/adjacent property, is prohibited.
10. **Plants.** The planting of shrubs (including rose bushes), trees, or any planting of a spreading variety is prohibited.

XI. PERPETUAL CARE

1. **Trust Funds.** The full purchase price of a plot(s) shall be added to the Town's Cemetery Trust Funds. The principal of the Cemetery Trust Funds is nonrefundable and must remain intact in trust in perpetuity for the care of the Cemeteries. It shall be invested and a prudent portion of the net income and appreciation from this Fund shall be applied annually by the Town's Finance Director to the operating costs of the Cemeteries.
2. **Services Provided.** Perpetual Care includes keeping the turf even and in good condition, the grass properly cut and the present trees and shrubs, as duly authorized, trimmed. The proper care and cleaning of all granite, stone, marble, or bronze structures on the lot at the time care is assumed, as well as any future erections expressly specified, but does not include replacement of any such structures.
3. **Management.** All Perpetual Care Trust Funds held by the Town of Raymond will be invested by the Town of Raymond as provided by law (MRSA 13, Section 1223) and will be expended only as provided by the Trust of Perpetual Care Agreement.

XII. BURIAL REQUIREMENTS

1. **Timing.** Cemeteries shall be open for interments at the discretion of the Sexton.
2. **Notification.** Prior to the interment, Grantees or their heirs or representatives are required to provide the Cemetery Supervisor a written communication as to the location of the burial, including the name and date of death of the decedent.
3. **Directors.** A funeral director must be with all funerals entering the cemeteries and the funeral director is responsible for ensuring that the participants of the funeral abide by this Ordinance. The funeral director must present the necessary burial permit from the Town Clerk to the Town employee in charge of the burial.
4. **Grave Liners.** In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes, all burials must be made in outside containers constructed of natural stone, or of metal, or of reinforced concrete, or approved synthetics. All such containers must be made and installed so as to meet the specifications established by the Board of Selectmen. Outside containers may be procured from any source provided they meet the established specifications.

5. **Limits.** No interment of two (2) or more bodies shall be made in one (1) plot, except in the case of a mother or father and a child, or two (2) infants, buried in one casket (or two caskets if small enough to fit within the burial space), or up to eight (8) cremated remains with no full burial, or one (1) full burial and one (1) cremation. Further variation may be made in the case of cremations within family lots subject to the placing of markers and upon prior approval from the Town.
6. **Interment.** When an interment is to be made in a plot, the location shall be designated by the Grantee or his representative. If this is not done, the Cemeteries reserve the right to make the interment in a location designated by the Town. The Town shall not be responsible for errors from telephone information etc.
7. **Disinterment.** Once an interment has been made, graves will be opened only by officials and employees of the Town assigned to the cemeteries or when the cemetery is directed to make disinterment by an order of the court of competent jurisdiction and a certified copy has been filed with the Town. The Town will be limited to opening of the grave only. Disinterment must be made by the person authorized to do so.
8. **Animals.** No Animals domestic or wild will be interred in the Cemeteries.
9. **Cremains.** Each cremain burial will be required to at least have a grade level name Marker placed on top of the site.

XIII. MONUMENTS & MARKERS

1. **Size and Number.** The Grantee(s) of any one (1) plot shall have the right to erect thereon any proper Monument or Marker upon authorization by the Town. Only one (1) Monument no larger than a thirty-six (36) inch base shall be permitted on a plot, which must be located in the center rear of the plot, unless special permission is granted by the Town for placing otherwise. Only one (1) individual Marker per burial is allowed in any of the Cemeteries. In the case of a Grantee(s) owning multiple contiguous plots, a single Monument no larger than a sixty (60) inch base shall be permitted in the center of the lot and must be approved by the Cemetery Supervisor and Sexton.
2. **Material.** No monument or other structure on a lot above ground shall be constructed of other than cut marble, granite, natural stone, or real bronze.
3. **Foundations.** No stone, Monument, tomb, vault, or other superstructure shall be erected until a suitable foundation is laid. All foundations shall be not less than four (4) feet in depth. All tombs, mausoleums, or vaults constructed after the effective date of this Ordinance shall have such provisions made for perpetual care as is adequate in each case.
4. **Placement.** All monuments must be placed such that they face the same direction as the surrounding stones. In most Cemeteries the stones in a row face the nearest road.
5. **Boundaries.** On and after the effective date of this Ordinance, no lot or grave shall be defined by a fence, rail, curb, hedge, trees, or shrubs, or enclosure of any description

for the purpose of defining its boundaries. Boundaries that existed prior to the adoption of this rule on March 18, 2000, around burial sites may be maintained as a boundary, but no one is allowed to add to or replace them. Grade level corner markers are permissible.

6. **Repair.** Monuments and Markers erected by Grantees shall be maintained in a safe condition by the Grantee (including heirs and assigns), and the repair and replacement of same, after damage from any cause, shall be at the expense of the Grantee. Notwithstanding the primary maintenance responsibility of the Grantee, the Town may, at its sole discretion, undertake to clean and/or repair Monuments and Markers and to resolve safety concerns.

CIVIL PREPAREDNESS ORDINANCE

Adopted March 17, 2001

Section 1. Purpose

It is the intent and purpose of this Ordinance to establish a bureau of civil emergency preparedness in compliance and in conformity with the provisions of Title 37-B, M.R.S.A., Section 781 et seq., to ensure the complete and efficient utilization of the Town's facilities and resources to combat disaster as defined herein.

Section 2. Definitions

The following definitions shall apply in the interpretation of this Ordinance:

Bureau. "Bureau" shall mean the Bureau of Emergency Preparedness as established by this Ordinance.

Civil Emergency Preparedness. "Civil emergency preparedness" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage, resulting from disasters or catastrophes caused by enemy attacks, sabotage, riots or other hostile actions, or by fire, flood, earthquake or other natural or man-made causes. These functions include, without limitation, firefighting, police, medical and health, emergency welfare, rescue, engineering, air raid warning and communications services; evacuation of persons from stricken areas; allocation of critical materials in short supply; emergency transportation; other activities related to civilian protection and/or activities necessary to preparation for the caring out of these functions.

Civil Emergency Preparedness Forces. "Civil emergency preparedness forces" shall mean the employees, equipment and facilities of all town department, boards, institutions and commissions; and in addition, it shall include all volunteer persons, equipment and facilities contributed by or obtained from volunteer persons or agencies.

Director. "Director" means the Director of the Town of Raymond Bureau of Emergency Preparedness, appointed as prescribed in this article.

Disaster. "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause including, but not limited to, fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, critical material shortage, infestation, explosion or riot.

Section 3. Organization

- (a) The Director shall be responsible for the Bureau's organization, administration and operation. The Director, with the consent of the Municipal Officers and if monies are appropriated, may employ such permanent or temporary employees as he or she

deems necessary and prescribe their duties.

- (b) The Director shall review the existing operational organization on a periodic basis to ascertain the Bureau's ability to cope with its responsibilities and shall approve the Town's emergency preparedness plan.

Section 4. Appointment of Director: Duties and responsibilities.

The Municipal Officers shall appoint the Town Manager as Director of the Bureau, who shall coordinate the activities of all town departments, organizations and agencies for civil emergency preparedness within the town and maintain a liaison with other civil preparedness agencies, public safety agencies and have such additional duties as prescribed by the town manager/municipal officers.

Section 5. Rules and Regulations

The Director shall prepare such policies as may be deemed necessary for the administration and operational requirement of the Bureau, which policies must be approved by the Municipal Officers prior to becoming effective.

Section 6. Emergency proclamation

- (a) The Director shall have the power and authority to issue a proclamation that an emergency exists whenever a disaster or civil emergency exists or appears imminent. The proclamation may declare that emergency exists in any or all sections of the town. If the Director and Municipal Officers are temporarily absent from the town or otherwise unavailable, then the following person shall have the power and authority to issue a proclamation that an emergency exists, in the following order of succession: the fire chief; if he or she is unavailable, the director of public works; if he or she is unavailable, the town clerk. A copy of such proclamation shall be filed within twenty-four hours in the office of the town clerk.
- (b) The Director is authorized to take whatever actions necessary and authorized by law to prevent the loss of life and property in the town.
- (c) The Director shall be responsible for submitting a full report to the Municipal Officers of all the actions taken as a result of the declared emergency as soon as possible.

Section 7. Termination of Emergency

- (a) When the Director is satisfied that a disaster or civil emergency no longer exists, he or she shall terminate the emergency proclamation by another proclamation affecting the section of the town covered by the original proclamation, or any part thereof. Said termination of emergency shall be filed with the office of the Town Clerk.
- (b) No state of emergency may continue for longer than five (5) days unless renewed by

the Director.

Section 8. Director duties and emergency powers

- (a) During any period when an emergency or disaster exists or appears imminent and to the extent authorized by Title 37-B, Chapter 13, the Director may promulgate such regulations, as he or she deems necessary, to protect life and property and to preserve critical resources within the purpose of this Ordinance. To the extent authorized by Title 37-B, Chapter 13, such regulations may include, but are not limited to, the following:
- (1) Regulations prohibiting or restricting the movement of vehicles in the area within the town;
 - (2) Regulations facilitating or restricting the movements of persons within the town;
 - (3) Regulations pertaining to the movement of persons from hazardous areas within the town;
 - (4) Such other regulations necessary to preserve public peace, health and safety. Nothing in this section shall be construed to limit the authority or responsibility of any department to proceed under powers and authority granted to them by state statute;
 - (5) The Director may order the evacuation of persons from hazardous areas within the town.
 - (6) The Director shall be authorized to request aid or assistance from the state or any political subdivision of the state and may render assistance to other political subdivisions under the provisions of Title 37B, M.R.S.A.;
 - (7) The Director may obtain vital supplies, equipment and other items found lacking and needed for the protection of health, life and property;
 - (8) The provision of this section will terminate at the end of the declared emergency.

Section 9. Emergency Operational Plans

The Director shall prepare an Emergency Operational Plan for the Town of Raymond, which shall be submitted to the Municipal Officers for approval. It shall be the responsibility of all municipal departments and agencies to perform the functions assigned and to maintain their portions of the plan in a current state of readiness. The town plan shall be reviewed periodically by the Director in conjunction with all town department heads.

Section 10. Immunity from liability

All managers of the civil preparedness forces, while engaged in civil emergency preparedness activities, shall be immune from liability as set forth in Title 37-B, Section 822 M.R.S.A.

Section 11. Compensation for Injuries

All members of civil emergency preparedness forces shall be deemed to be employees of the state while engaged in training or on duty and shall have all the rights of state employees under the Workmen's Compensation Act, as set forth in Title 37-B, Section 823 M.R.S.A.

Section 12. Violation of Regulations

It shall be unlawful for any person to violate any provisions of this Ordinance or of the regulations or plans issued pursuant to the authority contained herein, or to obstruct, hinder or

delay any member of the civil emergency preparedness organization as herein defined in the enforcement of the provisions of this Ordinance or any regulation or plan issued hereunder.

Section 13. Penalty

Any person, firm or corporation violating any provision of this Ordinance or any rule of regulation promulgated hereunder, upon conviction thereof, shall be punished by a civil penalty of not more than twenty-five hundred dollars (\$2,500.00) and the costs of prosecution. Each day a violation continues shall be a separate offense.

Section 14. Severability

Should any provision of this Ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this as a whole, it being the legislative intent that the provision of this shall be severable and remain valid notwithstanding such declaration.

Section 15. Conflicts

This Ordinance, and any orders, rules and regulations promulgated pursuant to this Ordinance, shall supersede any existing ordinances, orders, rules and regulations.

Section 16. Effective Date

This Ordinance shall become effective when passed by the voters at town meeting.

2004 COMPREHENSIVE PLAN

(Available under separate cover.)

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ELECTED OFFICIAL RECALL & APPOINTMENT ORDINANCE

Adopted June 5, 2012

Section 1. Petition for a Recall and Notice of Intention:

Registered voter of the Town of Raymond may at any time initiate a petition to recall an elected official of the Town by filing with the Town Clerk (hereafter "Clerk") a Notice of Intention containing the name(s) and address(es) of the voters signing the Notice and designating the name and address of one such voter to receive notices from the Town. The affidavit must state the name of and the office held by the official sought to be recalled and must contain a statement of the reason or reasons for the proposed recall. Each voter must sign the Notice in the presence of a circulator. The circulator must sign the petition form(s) before a notary public or other person authorized to administer oaths under Maine law before submitting finished petition form(s) to the Clerk. If more than one elected official is sought to be recalled, a separate affidavit must be filed regarding each. Only one official can be named on each recall petition.

Section 2. Petition Forms:

- A. Upon receipt of such Notice of Intent, the Clerk shall prepare and issue petition forms within three (3) business days to the person designated under Section 1 to receive notices. The petition forms prepared by the Clerk shall comply with the requirements of state and local law. Petition forms may be circulated by any registered voter of the Town of Raymond. The forms must include:
- B. At the top of the form, the name and position of the official subject to recall, the name and contact information of the initiator of the petition and the date by which the signatures must be submitted to the municipal clerk as outlined under Section 3.
- C. Spaces for each voter's signature, actual street address and printed name; and
- D. Space at the bottom of the form for the name and address of the person circulating the petition form which must be signed before a notary public or other person authorized to administer oaths under Maine law before submitting finished petition form(s) to the Clerk.
- E. The petition forms must be filed in the office of the Clerk during the normal business hours of the Clerk's office. In order to be accepted for filing, the petition forms must be assembled as one instrument and filed together at the same time. The Clerk shall make a notation on the first page of the petition of the date and time of the filing.
- F. If the deadline for filing the petitions falls on a Saturday, Sunday, or a holiday on which the Clerk's office is closed, the deadline for filing the petition is extended to the next day during which the Clerk's office is open for business.

Section 3. Collection and Submission of Signatures:

A petition form, as defined under Section 2, may be circulated or signed only by a registered voter of the Town of Raymond. A circulator of the petition form shall fill in the information required under Section 2, paragraph C and sign the form in front of a notary public or attorney prior to the submission of the form(s) or in front of the Clerk. The initiator of the petition, described under Section 1, shall collect the petition forms from all the circulators and submit the signed petition forms to the Town Clerk within 30 days of receipt of notice from the Clerk that the petition forms were available, see Section 2. Under Section 2, the Clerk may not accept a petition form submitted more than 30 days after sending notice of availability to the initiator, and any voter signatures on any such late form are invalid.

Section 4. Petition Certification and Notification:

For the forms submitted within 30 days after the date the Clerk issued the petition forms, the Clerk shall review the petition pursuant to Section 2. In making those determinations, the Clerk shall apply the following criteria:

1. If any individual petition form fails to comply with the requirements of Section 904, that particular petition form is invalid and signatures cannot be used.
2. If the affidavit of the circulator on any individual petition form has been altered or tampered with in any way, that particular petition form is invalid and signatures cannot be used.
3. If any voter has signed more than one petition form, that voter's name shall be counted only once.

If the Clerk determines that the petition is sufficient and contains the signatures of a number of registered voters of the Town equal to at least 10% of the number of votes cast in Raymond in the last gubernatorial election, the Clerk shall so certify the petition and immediately give written notice of the validity to the Board of Selectmen in writing and to the official sought to be recalled.

If the Town Clerk finds that the number of valid signatures submitted, as described under Section 3 does not meet the requirements for a petition per Section 4, the Town Clerk shall file the petition and the petition forms in the Clerk's Office and notify the initiator of the petition that the petition is insufficient but may be amended within 5 business days (days when the Town Clerk's office is normally open for business). After the date of such notice the circulator may file additional, supplementary petition forms, which shall be issued, circulated and filed in the same manner as the original petition. Supplementary petition forms shall be returned no later than 14 business days from date of notice. The Clerk shall review them in the same manner as the Clerk reviews an original petition. If the Clerk finds that the petition is still insufficient, the Clerk shall notify the Board of Selectmen, the initiator, and the official sought to be recalled in writing of that determination within 5 business days. That determination by the Clerk shall not prevent the filing of a new petition for the same purpose.

Upon receipt of notice of determination, the official sought to be recalled may submit his or her resignation in writing to the Board of Selectmen, as applicable, in which case the position shall

become vacant as of the date of the written resignation and shall be filled pursuant to Section 9, as applicable.

Section 5.

If the official sought to be recalled does not resign from the office within 10 business days of receiving the certification of petition pursuant to Section 4, the Board of Selectmen shall proceed to call and conduct a recall election to determine if the official should be recalled. Upon receipt of the certification of sufficiency and validity from the Clerk, the Board of Selectmen shall call a public hearing to be held within 30 days of the date of the Clerk's certification. Notice of the public hearing shall be given in the same fashion as notice of proposed ordinances.

After the public hearing, the election must be held no less than 45 days nor more than 85 days after certification of the petition per Section 4 unless a regular municipal election is scheduled within 90 days of the certification of the petition, in which case the recall election must be held on the date of the regular municipal election. If the Board of Selectmen fail to schedule a public hearing and/or recall election within 15 days of the certification of the petition, the Town Clerk shall schedule either pursuant to the date requirements of this section.

Section 6. Ballots for Recall Election:

The ballot question for a recall election shall be substantially as follows:

"Do you authorize the recall of [name of elected official] from the position of [name of position]?"

() Yes () No "

Section 7. Results of Recall Election:

Within 2 business days of the recall election, described under Section 5, the Town Clerk shall certify and record the election results and notify the Board of Selectmen of those results. If a majority of the voters voting in the recall election vote in the affirmative, the official shall be recalled effective the date of the results provided that the total number of votes cast for and against the question exceeds the number of registered voters of the Town equal to at least 10% of the number of votes cast in Raymond in the last gubernatorial election.

Section 8.

An official sought to be recalled and who has not resigned pursuant to Section 4 shall continue to perform the duties of the office until the Board of Selectmen certifies the results of the recall election. If the official is recalled, the office shall become vacant immediately upon certification of the results of the election and shall be filled in accordance with Section 9.

Section 9. Filling Vacancies: Pursuant to MRSA Title 30-A, § 2602:

After the results have been certified by the Board of Selectmen, the Clerk must prepare and call a special election within 30-45 days of that certification if there is not already a regularly scheduled election within 90 days of certification unless the conditions are met described under Section 10.

Section 10.

The Town of Raymond office of an elected official shall be deemed vacant under one or more of the following conditions:

- a) Nonacceptance;
- b) Resignation;
- c) Death;
- d) Removal from the municipality;
- e) Permanent disability or incompetency;
- f) Failure to qualify for the office within 10 days after written demand by the municipal officers; or
- g) Failure of the municipality to elect a person to office.

Section 11.

If the Clerk believes one or more of the above criteria are met, the Clerk shall in writing inform the Board of Selectmen and notify the affected elected official (unless deceased). A vacancy shall be declared if the Board of Selectmen determines by a majority vote of the members present that one or more of the above criteria are met.

Section 12.

Following solicitation of interested candidates pursuant to MRSA §2625, vacancies in the office notwithstanding any previous actions, except for vacancies in the school board and those as the result of a recall, shall be filled by the Board of Selectmen through appointment of a registered voter residing in the Town of Raymond and at least 18 years of age. The Board of Selectmen shall confirm the appointment by a majority vote of the Board members. The appointed official shall serve until the next regularly scheduled Town election and a successor is elected and sworn. Said successor shall serve the balance of the term.

FEES AND PENALTIES

October, 1986

Authorize the Board of Selectmen to revise from time to time, all fees and penalties for building permits, subdivision and site plan review, and Appeals Board cases. All fees shall be included in a Town Fee Schedule.

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FINANCE ORDINANCE

Adopted June 5, 2018

I. Payroll Warrants

- A. Purpose.** To allow at least one (1) of the municipal officers to review, approve, and sign the treasurer's payroll warrants.
- B. Delegation of Authority.** At least one (1) of the municipal officers (selectmen), acting on behalf of the full board of municipal officers, to review, approve, and sign municipal treasurer's disbursement warrants for employee wages and benefits (pursuant to 30-A MRSA § 5603 (2)(A)(1)).
- C. Majority Power.** This ordinance is in addition to, not in lieu of, majority power. Nothing in this ordinance is intended to replace the authority of the full board of municipal officers, acting by majority vote, to act on any treasurer's warrant, including warrants for payroll and for accounts payable.

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FIRE PROTECTION ORDINANCE

Adopted May 19, 1995

Amended June 7, 2011

Amended June 7, 2016

ARTICLE I

Section 1. This Ordinance shall be known as the Town of Raymond Fire Protection Ordinance.

Section 2. The purpose of the Ordinance is to establish in the manner provided by law, a Municipal Fire/Rescue Department according to the provisions of 30-A M.R.S.A. §3151 and to establish an ordinance governing the installation of sprinkler systems in certain buildings in the Town of Raymond, Maine.

Section 3. A Municipal Fire/Rescue Department means an organized Firefighting/Rescue unit established pursuant to this Ordinance.

Section 4. A Municipal Firefighter shall mean an active member, whether full-time, part-time, or on call, of a municipal fire department.

Section 5. A Municipal Rescue Member shall mean an active member whether full-time, part-time, or on call, of a municipal rescue department, who aids in providing emergency medical and rescue assistance and is qualified to render such aid under current Human Services regulations governing rescue and ambulance personnel.

ARTICLE II

Section 1. There shall be a Municipal Fire/Rescue Department that is established by this Ordinance.

Section 2. The duties of the Fire/Rescue Department shall be to provide fire protection and emergency medical care to the Town of Raymond and elsewhere as provided by mutual aid or other contractual agreements approved by the municipal officials.

Section 3. The head of the Municipal Fire/Rescue Department shall be the Fire Chief, who shall be appointed by the Town Manager and confirmed by the Board of Selectmen.

ARTICLE III

Section 1. Members of the Municipal Fire/Rescue Department shall enjoy the privileges and immunities as provided them by 30-A, M.R.S.A. §3155, and 14 M.R.S.A. §8101-8118.

ARTICLE IV

NFPA LIFE SAFETY CODE 101

The Town of Raymond adopts the NFPA Life Safety Code 101 by reference as the basis for inspection and plans review for buildings as defined in this ordinance.

ARTICLE V ALARM SYSTEM REQUIREMENTS

Section 1. A monitored fire alarm system is required in any business, manufacturing facility, school, day care, church, and apartment house with more than 3 units, or other public assembly occupancy of more than 1,000 square feet. Spaces of less than 1,000 square feet housed in one building or sharing common walls, roofs, or foundations are not exempted. This requirement must be implemented by December 31, 2001.

- A. Proof of yearly alarm system testing must be forwarded to: The Raymond Fire Department, Attn: Chief's Office, 1443 Roosevelt Trail, Raymond, Maine 04071 by January 1st of each year.
- B. All structures that are required to have an alarm or sprinkler system shall also have a secure key box, approved by the Fire Department, containing keys to the entire building, contact information and a map of the building.
- C. A permit shall be obtained from the Fire Chief, or his or her appointee, before the start of construction or alteration of any fire alarm system. A set of plans showing all devices and a one-line diagram of the intended system shall be submitted for review prior to a permit being issued.

ARTICLE VI

Section 1. All trash and construction dumpsters shall be placed no closer than 10 feet from a structure, overhang, overhead wires, or be protected by an automatic suppression system if placed closer than 10 feet.

The storage of any flammable items, other than items accepted by local Fire Department, Code Enforcement, in compliance with NFPA Life Safety Code, or BOCA Maine Uniform Building Code, within 10 feet of any business, manufacturing facility, apartment house, school, day care, or public assembly occupancy is prohibited.

Section 2: Solid Fuel Burning Stove Permit (Adopted June 7, 2011)

A permit is required for the installation or alteration of any solid fuel burning device in the Town of Raymond. As used in this section, the term "solid fuel burning device" includes any wood or pellet stove or any other stove which burns a solid fuel as described in the National Fire Protection Association's Standard No. 211, Standards for Chimney's, Fireplaces, Vents and Solid Fuel-Burning Appliances, and the term "alteration" means any change to the device other than routine, periodic maintenance or repair or replacement of damaged or worn components with equivalent components. Before a solid fuel burning device is utilized, the owner of the property on which it is located must contact the Raymond Fire/Rescue Department and arrange to have the device inspected. The fee for such inspection shall be \$25.00. If the Fire/rescue Department finds that the device and its installation comply with all applicable codes and regulations, the fire/Rescue Department shall issue a permit. Permits may be obtained at either the Fire/Rescue Department or Code Enforcement Office and copies of the permits will be kept by both departments.

A. A Solid Fuel Burning Device Permit shall be issued only when the occupancy where the device is installed complies with the following requirements:

1. Smoke Detectors shall be installed, in accordance with the manufacturer's requirements at the time of the installation, within any bedroom or within 21 feet of the access door to any bedroom and one detector per 500 square feet of floor area of other living areas on each floor of the occupancy.
2. Carbon Monoxide Detector(s) shall be installed, in accordance with the manufacturer's requirements at the time of installation, in the room where the solid fuel burning device is installed and in each area within, or giving access to, bedrooms.

Section 3: Chimney Ordinance (Adopted 2008 and incorporated June 7, 2011)

- A. It is required that chimneys for solid fuel burning appliances be of a fire-resistant masonry material, except as provided in paragraph 2 below.
- B. Installation of a prefabricated metal chimney is allowed if the chimney is listed as approved by Underwriters Laboratories or a similar nationally accredited testing laboratory and such listing is in effect at the time of installation. In addition, the use of the prefabricated metal chimney must be acceptable under any homeowner's insurance policy or other property and casualty insurance policy covering the building on which the chimney is installed.
- C. In the event of a chimney fire in any kind of chimney, before the chimney is used again the property owner must have the chimney inspected by a chimney sweep certified by the Chimney Safety Institute of America and provide proof of such inspection to the Town of Raymond Fire/Rescue Department.

ARTICLE VII DEFINITIONS AND REQUIREMENTS

Section 1. An approved automatic sprinkler system shall mean a system installed in accordance with the National Fire Protection Association Standard 13 or 13D.

Section 2. Any building requiring the installation of a Standard 13 System shall have a fire department connection. The location of the connection shall be approved by the Fire Chief and properly signed Fire Department Connection.

Section 3. All sprinkler systems installed under this Ordinance shall have the following:

- A. A tamper switch alarm at the system shut-off;
- B. An evacuation alarm for the building that will sound when the sprinkler system is activated. The evacuation alarm shall be audible throughout the entire building;
- C. An outside water flow alarm;

D. Butterfly valves will not be allowed on any N.F.P.A. Standard 13 System;

E. An automatic alarm to dispatch when the system is activated.

Section 4. Occupied or unoccupied buildings or portions thereof of any construction having a sprinkler system in place, shall maintain all sprinkler and standpipe systems and all component parts in a workable condition at all times, and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection these systems provide, except that this shall not prohibit the owner or occupant from temporally reducing or discontinuing the protection where necessary for the purpose of conducting tests, repairs, alterations, or additions. The tests, repairs, alterations or additions are to be done in such a way as to avoid the creation of a safety hazard.

The Fire Chief shall be notified before any such tests; repairs, alterations or additions are started.

Section 5. For the purpose of this Ordinance, the term building shall mean any structure except:

A. Single-family dwelling, unless specifically included by local ordinance or state law.

B. Two-family dwelling of two stories or less in height.

C. Barn or stable used exclusively for agricultural purposes.

D. Shelters having roofs supported by columns or walls and intended for storage, housing use or enclosure of persons, animals, or chattels, but not excepting any garage, out building, or any accessory buildings used for any commercial or industrial purpose.

Section 6. Any building having more than one sprinkler riser shall have the risers separately zoned and wired to a local alarm energy panel to provide zone identification upon activation. The energy panel shall be located at the energy alarm panel showing each zone of the building.

Section 7. A lock box shall be provided outside the building's main entrance to any building regulated hereunder, containing a key or keys to allow access to all fire department areas.

Section 8. A permit shall be obtained from the Fire Chief before the start of construction of the sprinkler system. A set of blueprints showing the entire sprinkler system and rate of flow shall be provided when the permit is obtained.

A copy of the permit shall be forwarded to the Code Enforcement Office. No Certificate of Occupancy shall be issued until the system has been properly installed, tested and approved by the Fire Chief or his designee.

Section 9. Any building containing a sprinkler system shall have a yearly test completed on the system by a qualified sprinkler technician. A written copy of the yearly test results shall be forwarded to the Fire Chief's office.

ARTICLE VIII NEW BUILDING CONSTRUCTION

Section 1. An approved automatic sprinkler system shall be installed in all areas of new buildings meeting any or all of the following criteria:

- A. Three (3) or more stories in height;
- B. Thirty-five (35) or more feet in height, one hundred thousand (100,000) cubic feet in volume or ten thousand (10,000) square feet in floor area, structures sharing a common foundation, roof, or walls totaling 10,000 square feet;
- C. Multiple family or multiple occupant dwelling and/or all lodging units of two (2) stories in height.
- D. Any single-family dwelling attached units – such as town houses, garden apartments, with three (3) or more units attached together and/or any grouping of 3 unit style buildings.
- E. Any building required to have sprinklers, larger than one dwelling unit, shall have sprinkler coverage in the truss loft.

ARTICLE IX BUILDING ADDITIONS

Section 1. An approved automatic sprinkler system shall be installed in addition to existing buildings when the cumulative area or volume of the total buildings, including the addition, equals or exceeds one hundred thousand (100,000) cubic feet in volume or ten thousand (10,000) square feet in area.

Section 2. In those instances where a proposed addition or additions will exceed twenty-five percent (25%) of the area and/or volume of the existing building and/or when the cost of the renovations of the existing building meeting the criteria in Article VIII New Building Construction Section 1A, B, or C, is equal to or greater than fifty percent (50%) of the then current building value as shown on the assessment records of the Tax Collector of the Town of Raymond, Maine, and when the resulting buildings including the addition or additions meets the criteria listed above, the existing building and addition or additions shall have an approved automatic sprinkler system.

ARTICLE X EXISTING COMMERCIAL/INDUSTRIAL BUILDINGS

Section 1. A change of use or occupancy, which increases the hazard classification, shall require the installation of a sprinkler system utilizing the NFPA Life Safety Code 101 hazard schedules.

ARTICLE XI AUTHORITY

Section 1. The Fire Department shall have the authority to inspect any building greater than a 2-family residence, public assembly occupancy, 3 family or greater, business, or manufacturing facility on a yearly basis.

Section 2. Liquor licenses will not be granted without full compliance with Fire Code.

ARTICLE XII VIOLATIONS AND LEGAL ACTION

Section 1. When any violation of any provision of the ordinance shall be found to exist the Town Attorney, as designated by the Municipal Officers and upon notice from the Fire Chief or his designee, is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town.

ARTICLE XIII FINES

Section I. Any person, firm, or corporation being the owner or having control or use of any building or premises who violates any of the provisions of this Ordinance, shall be guilty of a civil offense and shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each offense. Each day such violation is permitted to exist after notification shall constitute a separate offense.

ARTICLE XIV

This Ordinance shall be effective upon its adoption at the Town Meeting at which it is voted on.

[The ordinances entitled Town of Raymond Municipal Fire/Rescue Ordinance and Sprinkler System Ordinance were combined and renamed Town of Raymond Fire Protection Ordinance by Town Meeting vote on March 17, 2001.]

FLOOD PLAIN MANAGEMENT ORDINANCE

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LAND USE ORDINANCE

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MASSAGE ESTABLISHMENT ORDINANCE

Adopted May 15, 1993
Amended June 5, 2018

ARTICLE I GENERAL PROVISIONS

Section 1. Purpose.

The purpose of this Ordinance is to regulate the operation of massage establishments in order to promote the public health, safety and general welfare.

Section 2. Definitions.

For this purpose of this Ordinance, the following shall apply unless the context clearly implied otherwise:

Disqualifying Criminal Conviction: Any conviction for any criminal offense punishable by imprisonment for any period of time, whether or not the sentence was imposed or served, but not including any conviction which is shown to have been set aside on appeal or collaterally, or for which a pardon, certificate of rehabilitation, or the equivalent under the law of the sentencing jurisdiction has been granted, or which is not rationally related to the purpose of licensing massage establishments.

Massage: Massage therapy as defined in Section 14301(3) of Chapter 125 of Title 32 of the Maine Revised Statutes. (11/18/92).

Massage Establishment: Any business, including but not limited to sole proprietorship, in which the business operation consists of providing or making available massage in the Town of Raymond for consideration or with the expectation of receiving consideration or any gratuity, whether or not the business has a fixed place of business within the limits of the Town.

Massage Therapist: Any person who performs massage for consideration or gratuity or with the expectation of receiving consideration or any gratuity.

Patron: Any person who receives a massage.

Person: Any individual, partnership, corporation or other entity.

Recognized School: Any school or institution of learning which has for its purpose the teaching of the theory, method, profession and work of massage and is recognized or certified by the State of Maine or any other state. Schools offering a correspondence course not requiring actual attendance of class shall not be deemed a Recognized School.

Section 3. Exemptions.

The following shall be exempt from this Ordinance, if duly licensed by and while practicing in accordance with the laws of this State: physicians and surgeons (medical doctors and doctors of osteopathy) physician's assistants, nurses, chiropractors, physical therapists, barbers,

cosmetologists, beauticians, and other health and hygiene professionals.

Section 4. Massage Tables.

All massages will be administered on a massage table, treatment table, or treatment mat.

Section 5. Maintenance and Cleaning.

Every person who conducts or operates a massage establishment shall keep the same at all times in a clean and sanitary condition. All instruments, supplies and devices of any kind, or parts thereof, that come into contact with the human body shall be kept clean by a modern and approved method of cleaning.

Section 6. Prohibited Activities.

- A. No massage therapist shall administer a massage to a patron whose genitals are exposed.
- B. No massage therapist shall administer or agree to administer a message to the genitals or anus of a patron.
- C. No massage therapist shall administer a massage unless he or she is fully clothed with non-transparent clothing of the type customarily worn by massage therapists while administering a massage.

Section 7. Closing Hours.

No massage establishments shall be kept open for massage purposes between the hours of 12 midnight and 6:00 a.m.

Section 8. Supervision.

At all times when open for business, a massage establishment shall have upon the premises a licensed massage therapist or person who possesses a combination massage establishment/massage therapist license who shall be available to supervise the operation of the establishment and assure that no violations of this Ordinance occur.

Section 9. List of Employees.

A massage establishment shall keep a written list of the names and current addresses of all employees, both on duty and off duty. Such list shall be shown to the Chief of Police, the Chief's authorized Deputy, and the Town Clerk or the Clerk's representative, upon request.

ARTICLE II LICENSES

Section 1. Required.

- A. Massage Establishment License. No person shall operate a massage establishment without a valid massage establishment license. A separate license shall be required for

each such establishment.

- B. Massage Therapist License.** No person shall work as a massage therapist without a valid massage therapist license or a combined massage establishment/massage therapist license.
- C. Combined Massage Establishment/Massage Therapist License.** A sole practitioner who employs no other massage therapist.
- D. Conditional Massage Therapist License.** For the purpose of allowing an applicant a license pursuant to Article II.1.B or II.1.C who is otherwise qualified to obtain such a license, except for compliance with Article II.6, to comply with Article II.6, a conditional massage therapist license may be issued under the following conditions:

 - 1. All provisions of Article II shall apply to a licensee under this Section, except Section 6.
 - 2. Licensee under this section shall designate one massage therapist or combined massage establishment/massage therapist licensed by the Town of Raymond as the supervisor for licensee.
 - 3. Licensee under this section may designate no more than one licensed supervisor pursuant to Article II.1.D.2 unless said licensed supervisor shall voluntarily surrender his/her license.
 - 4. The designated licensed supervisor may supervise two (2) or fewer conditional massage therapists per license year.
 - 5. Licenses issued pursuant to this Subsection D may not be renewed.

Section 2. Licenses Displayed.

A valid massage establishment license must be displayed at all times in an open and conspicuous place in the massage establishment for which it was issued. A valid conditional massage therapist license, massage therapist license or combined massage establishment/massage therapist license must be readily available to be produced immediately if demanded of the licensee.

Section 3. Standards for Denial.

A license application under this Ordinance shall be denied to any of the following persons:

A. Massage Establishment License.

- 1. a corporation not registered to do business in this state;
- 2. a corporation or any principal officer thereof or any person having an actual ownership interest or management authority therein has a disqualifying criminal conviction within the immediately preceding five (5) years; or
- 3. An applicant other than a corporation if such applicant or any person having an

actual ownership interest or management authority therein has a disqualifying criminal conviction, within the immediately preceding five (5) years.

B. Massage Therapist, Combined Massage Establishment/Massage Therapist, or Conditional Massage Therapist.

- d) to an applicant who has a disqualifying criminal conviction at any time during the five (5) years immediately preceding application; or
- e) to an applicant who is not at least eighteen (18) years of age.

The clerk shall make and keep a written record of every decision to deny an application for any license hereunder.

Section 4. Grounds for Suspension or Revocation.

A. All Licenses. Any license may be suspended or revoked upon a determination that the licensee:

- 1. failed to notify the clerk of any change in material facts set forth in the application for such license; or
- 2. violated any provision of this Ordinance or the License Ordinance.

B. Massage Establishment or Combined Establishment/Therapist License. In addition to the provisions of subsection (a), either a massage establishment license or combined massage establishment/massage therapist license may be suspended or revoked upon a determination that the licensee:

- 1. permitted any person to perform massage without a valid license to do so;
- 2. permitted or allowed an employee, massage therapist or conditional massage therapist to violate any provision of this Ordinance on the premises of the establishment or in the course of conduct of the business of the establishment; or
- 3. knowingly permitted any violation of Title 17-A M.R.S.A. sections 851 through 855. Such knowledge shall be presumed if there have been two (2) or more convictions for any such offense within any one-year period. The applicant or licensee may rebut said presumption by showing that (i) due diligence was exercised to prevent the recurrence of any such offense and (ii) despite such diligence; he or she did not know and could not reasonably have known of any subsequent offense.

Section 5. Application for Massage Establishment, Combined Massage Establishment/Massage Therapist and Massage Therapist Licenses.

Any person desiring a license pursuant to this Ordinance shall file a written, signed application with the Town Clerk on a form to be furnished by the Clerk. An application for a combined massage establishment/massage therapist license, a massage therapist license or a conditional massage therapist license shall be accompanied by two (2) front face photographs of the applicant taken within thirty (30) days of the application, of such sizes as the Clerk may

specify.

Section 6. Basic Proficiency.

Each applicant for a massage therapist license or combined massage establishment/massage therapist license shall show proof of basic proficiency in the field of massage therapy which may be satisfied by:

- A. Evidence of completion of a formal training course in massage therapy given by a recognized school;
- B. Evidence of one hundred (100) hours of on-the-job training in massage performed in the presence of a person holding a valid massage therapist license or a combined massage establishment/massage therapist license issued by the Town of Raymond;
- C. Evidence of continuous practice as a massage therapist for at least one (1) year, accompanied by the written recommendation of at least five (5) persons holding a valid massage therapy license or a combined massage establishment/massage license issued by the Town of Raymond, which shall state that said person has personally received a massage from the applicant that was administered in a skilled and professional manner; or
- D. Evidence of successful completion of a certifying exam given by another municipality or state, or the certifying exam given by American Massage Therapy Association.

Section 7. Obtaining License by Fraud.

- A. No person shall make any false, untruthful or fraudulent statement, either written or oral, or in any way conceal any material fact, or give or use any fictitious name in order to secure or aid in securing a license required by this Ordinance. All names, including but not limited to maiden name, every use by the applicant must be noted on the application.
- B. Any license so secured shall be void.

Section 8. Use of License.

No person shall make use of, in any manner, to his or her own or another's benefit, any license which has not been duly issued to him or her in accordance with this Ordinance.

Section 9. Compliance of Existing Therapists and Massage Establishments.

- A. Any person presently operating as a massage therapist and/or operating a massage establishment in Raymond as defined herein on the effective date of this Ordinance shall comply with the terms of this Ordinance by obtaining a license hereunder within three (3) months of the effective date of this Ordinance.

Section 10. Severability.

In the event that any section or any portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such declaration shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

Section 11. Penalty.

The violation of any provision of this Ordinance shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this Ordinance by appropriate action.

Section 12. Term of License.

Licenses issued pursuant to this Ordinance shall be for a term of no more than one year and shall expire annually on December 31st.

Section 13. Application Fees.

The fees for licenses pursuant to this Ordinance shall be as follows:

Massage Establishment	\$50.00
Combined Massage Establishment/Massage Therapist	\$30.00
Massage Therapist	\$25.00
Conditional Massage Therapist	\$25.00

The foregoing fees are payable at the time of application and are non-refundable.

Section 14. Applicability to Pending Applications.

Notwithstanding anything to the contrary in 1 M.R.S.A. §302, the provisions of this Ordinance shall apply to any application or request to operate a massage establishment submitted to the Town of Raymond or to any of its officers or employees on or after May 15, 1993.

PEDDLER'S ORDINANCE

Adopted May 21, 1994
Amended June 4, 2013
Amended June 5, 2018

Section I. Title:

This Ordinance shall be known as the Town of Raymond Peddler's Ordinance.

Section II. Authority:

This Ordinance is enacted pursuant to 30-A MRSA §3001.

Section III. Purpose:

The purpose of this Ordinance is to define, regulate and license peddlers; promote highway safety; preserve the character and aesthetics of the Town; to protect the property values; and to protect the health, safety, and welfare of individuals and the public.

Section IV. Definitions:

- A. The word "person" as used herein shall include the singular and the plural, and shall also mean and include any person, firm, or corporation, association, club, partnership or society, excepting bona fide charitable, service, religious, municipal and non-profit organizations or agencies.
- B. The word "peddler" as used herein shall include any person selling or offering for sale, tangible commodities, including food, beverages and non-food goods, wares and merchandise. The word "peddler" shall include the words "hawker", "huckster", "Street vendor" and "itinerant vendors". The definition of the word "peddler" for this Ordinance does not include but is not limited to the following exceptions:
- C. A temporary yard sale occurring no more than four weekends in one calendar year, a fruit stand a minor or children's enterprise, the sale of camp firewood, and a car or boat for sale.
- D. The word "Town" shall mean the Town of Raymond, Maine.

GENERAL PROVISIONS

Section V. License Required:

It shall be unlawful for any person to engage in the business of peddler as defined in Article II of this Ordinance within the corporate limits of the Town of Raymond without first obtaining a license therefor as provided herein.

Section VI. Application:

A. Application Procedure for Peddler License on Private Property. Applicants for license under this ordinance must file with the Town Clerk a sworn application in writing on a form to be furnished by the Town Clerk, which shall give the following information:

1. Name and description of the applicant;
2. Address (legal and local);
3. A brief description of the nature of the business and the good to be sold;
4. If employed, the name and address of the employer, together with appropriate written evidence of the applicant's employment status;
5. Description of the location from which goods will be sold and a copy of lease agreement or other documentation providing the landowner authorization to utilize described property for the sale of goods;
6. If a vehicle is to be used, a description of the same, verification of appropriate insurance, together with license number or other means of vehicle identification;
7. A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be 2" by 2" showing the distinguishing manner;
8. The names of at least two (2) reliable property owners of the Town who will certify as to the applicant's good character and business responsibility, or, in lieu of the names of references, any other available evidence as to the good character and business responsibility;
9. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offenses and the punishment or penalty assessed therefor;
10. At the time of filing the application: a fee of \$250.00 dollars for Residents and \$500.00 dollars for Non-Residents shall be paid to the Town Clerk to cover the cost of investigation and administration of this Ordinance.

11. A copy of any and all current and relevant business licenses including number and effective date.

12. A sketch, drawn to scale, and, if available, a photograph of the cart to be used in the operation of the business labeling all aspects including, but not limited to, materials, measurements, appurtenances, signs, awnings, umbrellas, fuel, refrigeration, off-cart items, and water supply. Specific measurements, designs and locations of the cart and all appurtenances, including all off-cart items, shall be submitted.

- B. The number of peddlers licenses for the sale of goods on private property issued at any one time will be limited to two (2);
- C. Size Restriction: No peddler's cart set up, including any cart, tables, serving counter, food storage, coolers or preparation areas or ancillary features shall occupy a space greater than 150 sq. ft. The Town may waive the size restriction if it finds that, due to the proposed location of activity, the size of the set up will not interfere with public safety or the use and enjoyment of public property.
- D. No peddler's license shall be issued for the sale of goods on private property located ~~within~~ within sixty-five feet (65') of any fixed-based retail establishment offering the same substantially similar good, unless the owner of the fixed-base retail establishment is also the peddler's license applicant.
- E. Peddler's Licenses shall be limited to one per person;
- F. Licenses shall be issued annually on May 1st, or the first business day thereafter. Applications shall be submitted no later than April 1st. If there are more than two qualified applicants, licenses shall be selected by staff through a lottery, prior to recommending license approvals to the Board of Selectmen.
- G. Peddlers shall maintain in full force and effect at all times, a policy of comprehensive public liability insurance with limits of no less than \$400,000, naming the Town of Raymond as additional insured. A certificate of insurance must be provided before a peddler's license is issued.
- H. The Town may issue peddler's license for the sale of goods on Town-owned property through the solicitation of requests for proposals for certain locations on public property approved by the Board of Selectmen.
- I. Notwithstanding the limitation on the peddler's licenses set forth in section VI.B. Above, the Town may issue temporary peddler's licenses on public or private property for the sale of goods on particular dates at a particular time and location. Applicants for temporary licenses shall complete and submit the full written peddler's license form.

Section VII. Investigation and Issuance:

- A. Upon receipt of a complete application by the Town Clerk, the original shall be referred to the Town Code Enforcement Officer (CEO), who shall investigate the applicant's business

and moral character as deemed necessary for the protection of the public good and review the application to ensure that applicable State and local licensing is obtained as well as review any potential zoning issues. The CEO will then issue a final written recommendation for the Town Manager to bring to the Board of Selectmen for a final vote.

- B. If the Board approves the issuance of a license, it may condition operations of the vending business to particular times or to a particular manner of operation or any combination of the foregoing.
- C. If the Board denies a license under this ordinance, it shall give notice of the grounds therefore to the applicant. The applicant may request that the Board reconsider its decision if the applicant alleges mistake or error or if additional facts should be brought to the attention of the Board to the extent available licenses remain.

Section VIII. Transfer:

No license issued under the provision of this Ordinance shall be used at any time by any person other than the one whom it was issued.

Section IX. Exhibition of Licenses:

Peddlers are required to exhibit their licenses at the request of any citizen.

Section X. Revocation of License:

- A. Licenses issued under the provisions of this Ordinance may be revoked by the Selectmen after notice and hearing, for any of the following causes:
 - 1. Fraud, misrepresentation, or false statement contained in the application for license;
 - 2. Fraud, misrepresentation, or false statement made in the course of carrying on his business as a peddler;
 - 3. Any violation of any State, Federal or local law, ordinance, rule or regulations;
 - 4. Conviction of any crime or misdemeanor involving moral turpitude;
 - 5. Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a menace to the health, safety, or general welfare of the public.
- B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least seven (7) days prior to the date set for hearing. Notice may also be served in hand.

Section XI. Expiration of License:

All licenses issued under the provisions of this Ordinance shall expire on their anniversary date.

Section XII. Enforcement and Penalty:

The Selectmen shall enforce the provisions of this Ordinance. A violation of any provision of this Ordinance shall be a civil violation, and a civil penalty not exceeding Two Thousand Five Hundred Dollars (\$2,500.00) shall be imposed, which shall accrue to the benefit of the Town of Raymond. Each day that a violation continues will be treated as a separate offense. The Selectmen may also seek injunctive relief, where appropriate.

Section XIII. Severability:

If any part or parts, section or subsection, sentence, clause or phrase of this Ordinance is for any reason declared to be unconstitutional or invalid, such shall not affect the validity of constitutionality of the remaining portions of this Ordinance or any rules or regulations promulgated hereunder.

Section XIV. Effective Date:

This Ordinance shall become effective upon passage by the legislative body of the Town of Raymond at a duly called Town Meeting.

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PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE

Adopted June 5, 2012

PREAMBLE

WHEREAS, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act”; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy (“PACE”) Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the City/Town, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the Town of Raymond wishes to establish a PACE program; and

NOW THEREFORE, the Town of Raymond hereby enacts the following Ordinance:

ARTICLE 1 – PURPOSE AND ENABLING LEGISLATION

A. Purpose

By and through this Ordinance, the Town of Raymond declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town. The Town declares its purpose and the provisions of this Ordinance to be in conformity with federal

B. Enabling Legislation

The Town enacts this Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature -- “An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act” (codified at 35-A M.R.S.A. § 10151, *et seq.*).

ARTICLE 2 – TITLE AND DEFINITIONS

A. Title

This Chapter/Ordinance shall be known and may be cited as “the Town of Raymond Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).

B. Definitions

Except as specifically defined below, words and phrases used in this Chapter/Ordinance shall have their customary meanings; as used in this Chapter/Ordinance, the following words and phrases shall have the meanings indicated:

1. **Energy saving improvement.** “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:
 - a. Will result in increased energy efficiency and substantially reduced energy use and:
 - 1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or
 - 2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or
 - b. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.
2. **Municipality.** “Municipality” shall mean the Town of Raymond.
3. **PACE agreement.** “Pace agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.
4. **PACE assessment.** “PACE assessment” means an assessment made against qualifying property to repay a PACE loan.
5. **PACE district.** “Pace district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.
6. **PACE loan.** “PACE loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.
7. **PACE mortgage.** “PACE mortgage” means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.
8. **PACE program.** “PACE program” means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.
9. **Qualifying property.** “Qualifying property” means real property located in the PACE district of the Municipality.
10. **Renewable energy installation.** “Renewable energy installation” means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

11. **Trust.** “Trust” means the Efficiency Maine Trust established in 35-A M.R.S.A. §10103 and/or its agent(s), if any.

ARTICLE 3 – PACE PROGRAM

A. Establishment; funding.

The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust’s administration of the municipality’s PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality’s PACE program.

B. Amendment to PACE program.

In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

ARTICLE 4 – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST

A. Standards adopted; Rules promulgated; model documents.

If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality’s adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

ARTICLE 5 – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

A. Program Administration

1. PACE Administration Contract. Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:
 - a) a. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality’s PACE district;
 - b) the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
 - c) the Trust, or its agent, will disburse the PACE loan to the property owner;

- d) the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
 - e) the Trust, or its agent, will be responsible for collection of the PACE assessments;
 - f) the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
 - g) the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.
2. Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.
 3. Assistance and Cooperation. The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.
 4. Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

B. Liability of Municipal Officials; Liability of Municipality

1. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.
2. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article V, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

Raymond Beach Ordinance

Adopted June 5, 2018

HISTORY

- March 14, 1970, Town Meeting Article 51, the Town of Raymond voted to accept the use of “Jones Beach”.
- May 19, 1984, Town Meeting Article 23, the Town of Raymond voted to adopt rules for use of “Jones Beach” and Crescent Beach. Also, in Article 24, the Town voted on parking restrictions.
- March 18, 2000, Town Meeting Articles 11 and 12, the Town of Raymond voted to execute a long-term agreement and a license agreement with Maine Department of Transportation and Maine Department of Inland Fisheries for the “Jordan Bay boat launch and beach area” which includes the responsibility for ongoing management and operation of the facility.
- June 6, 2000, the Board of Selectmen voted to change the name of the beach facility to “Raymond Beach.”
- August 2000, the parking area and boat launch opened, but the beach was not opened until the Summer of 2001.
- 2002, Lighting was added to the parking lot.

OWNERSHIP & MANAGEMENT

- Maine Department of Inland Fisheries – Owner
- Town of Raymond – Ongoing management and operation of the facility

RULES

- The Town Manager shall be responsible for setting the rules for the use of the facility.
- The rules shall be posted at Raymond Beach.

PARKING

- Restrict parking within ten feet (10') of paved roadway and declare an area two hundred feet (200') along Route 302 on both sides of the road which is to be closed to parking and marked with signage.

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REGULATING PERSONS AND ESTABLISHMENTS PROVIDING SERVICES SIMILAR TO MASSAGE THERAPY

Amended June 5, 2018

ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose.

The purpose of this Ordinance is to regulate services which appear similar to massage therapy as defined in and regulated by Chapter 125 of Title 32 of the Maine Revised Statutes but which are not regulated under that Chapter (hereinafter “para-massage.”)

Section 2. Definitions.

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly implies otherwise.

Disqualifying Criminal Conviction – Any conviction for any criminal offense punishable by imprisonment for any period of time, whether or not the sentence was imposed or served, but not including any conviction which is shown to have been set aside on appeal or collaterally, or for which a pardon, certificate of rehabilitation, or the equivalent under the law of the sentencing jurisdiction has been granted, or which is not rationally related to the purpose of licensing para-massage establishments.

Massage Therapy – The professional practice of massage therapy as defined in 32 M.R.S.A. §14301(4).

Para-Massage – Any method of rubbing, kneading, tapping, vibration, compression, percussion, application of friction or manipulation of the external parts of the human body with the hands or other parts of the body or with the aid of any instrument or device, and which is not massage therapy.

Para – Massage Establishment – Any business, including but not limited to sole proprietorship, in which the business operation consists of providing or making available para-massage for consideration or with the expectation of receiving consideration or any gratuity, whether or not the business has a fixed place of business within the limits of the Town.

Para-Massager – Any person who performs a para-massage for consideration or gratuity or with the expectation of receiving consideration or any gratuity.

Patron – Any person who receives a para-massage.

Person – Any individual, partnership, corporation or other entity.

Section 3. Exemptions.

The following shall be exempt from this Ordinance while duly licensed or registered under and practicing in accordance with the laws of this State: massage therapists as defined in 32 M.R.S.A. §14301(3), physicians, physicians' assistants, surgeons, osteopaths, nurses, chiropractors, physical therapists, barbers, cosmetologists, beauticians and other health and hygiene professionals.

Section 4. All para-massages shall be administered on a massage table, treatment table or treatment mat.

Section 5. Maintenance and Cleaning.

Every person who conducts or operates a para-massage establishment shall keep the same at all times in a clean and sanitary condition. All instruments, supplies and devices of any kind, or parts thereof, that come into contact with the human body shall be kept clean by a modern and approved method of cleaning.

Section 6. Prohibited Activities.

- A. No para-massager shall administer a para-massage to a patron whose genitals are exposed.
- B. No para-massager shall administer or agree to administer a para-massage to the genitals or anus of a patron.
- C. No para-massager shall administer a para-massage unless he/she is fully clothed with non-transparent clothing.

Section 7. Closing Hours.

No para-massage establishments shall be kept open between the hours of 12 midnight and 6:00 a.m.

Section 8. Supervision.

At all times when open for business, a para-massage establishment shall have upon the premises a licensed para-massager or person who possesses a combination para-massage establishment/para-massager license who shall be available to supervise the operation of the establishment and assure that no violations of this Ordinance occur.

Section 9. List of Employees

A para-massage establishment shall keep a written list of the names and current addresses of all employees, both on and off duty. Such list shall be shown to the Chief of Police, the Town

Clerk or the Clerk's representative upon request.

ARTICLE II. LICENSES

Section 1. License Required.

- A. Establishment License - No person shall operate a para-massage establishment without first having obtained a valid para-massage establishment license issued by the Raymond Board of Selectmen. A separate license shall be required for each such para-massage establishment.
- B. Para-Massager License - No person shall work as a para-massager without a valid para-massager license or a combined para-massage establishment/para-massager license issued by the Raymond Board of Selectmen.
- C. Combined Establishment/Para-Massage License - A sole practitioner who employs no para-massager other than himself/herself may apply for a combined para-massage establishment/para-massager license.

Section 2. Licenses Displayed.

A valid para-massage establishment license shall be displayed at all times in the para-massage establishment for which it was issued. A valid para-massage license or a combined para-massage establishment/para-massager license must be readily available to be produced immediately if demanded of the licensee.

Section 3. Standards for Denial.

A. Para-Massage Establishment License.

The Board of Selectmen may deny a license for a para-massage establishment if it finds that:

- 1. The applicant does not have a legal right to occupy the premises for which the license is sought;
- 2. The premises, business or activity are not in compliance with other local ordinances;
- 3. The applicant is a corporation that is not registered to do business in the State;
- 4. Any principal officer of the corporation or any person having an actual ownership interest or management authority therein, or the applicant, if other than a corporation, has a disqualifying criminal conviction within the immediately preceding five (5) years.

B. Para-Massager, Combined Para-Massage Establishment/Para-Massager.

The Board of Selectmen may deny a license for a para-massager or combined para-massage establishment/para-massager for the following reasons:

- 1. The applicant had a disqualifying criminal conviction at any time during the five (5) years

immediately preceding application; or

2. The applicant who is not at least eighteen (18) years of age.

The Board of Selectmen shall make and the Town Clerk shall keep a written record of each decision to deny an application for any license under this Ordinance.

Section 4. Grounds for Suspension or Revocation.

- A. All Licenses. In addition to the grounds for denial as set forth in Article II, Section 3, A & B, any license may be suspended or revoked upon a determination that the licensee:

1. Failed to notify the Clerk of any change in material facts set forth in the application for such license; or
2. Violated any provision of this Ordinance or of any other Ordinance of the Town of Raymond.

- B. Para-Massage Establishment or Combined Para-Massage Establishment/Para-Massager License.

In addition to the provisions of Article II Subsection 4, a para-massage establishment license or combined para-massage establishment/para-massager license may be suspended or revoked upon a determination that the licensee:

1. Permitted any person to perform para-massage without a valid license to do so;
2. Permitted or allowed an employee or para-massager to violate any provision of this Ordinance on the premises of the para-massage establishment or in the course of conduct of the business of the para-massage establishment; or
3. Knowingly permitted any violation of Title 17-A M.R.S.A. Sections 851 through 855. Such knowledge shall be presumed if there have been two (2) or more convictions for any such offense within any one-year period. The applicant or licensee may rebut said presumption by showing that (i) due diligence was exercised to prevent the recurrence of any such offense and (ii) despite such diligence, he or she did not know and could not reasonably have known of any subsequent offense.

Section 5. Application for Para-Massage Establishment, Combined Para-Massage Establishment/Para-Massage Therapist, and Para-Massage Therapist Licenses.

Any person desiring a license pursuant to this Ordinance shall file a written, signed application with the Town Clerk on a form to be furnished by the Clerk. An application for a combined para-massage establishment/para-massage therapist license or for a para-massage therapist's license shall be accompanied by two (2) front face photographs of the applicant taken within thirty (30) days of the application, of such size as the Clerk may specify.

Section 6. Obtaining License by Fraud.

- A. No person shall make any false, untruthful or fraudulent statement, either written or oral, or in any way conceal any material fact, or give or use any fictitious name in order to secure or aid in securing a license required by this Ordinance. All names, including but not limited to maiden name, every use by the applicant must be noted on the application.
- B. Any license secured by fraud, deceit or concealment shall be deemed to be null and void.

Section 7. Use of License.

No person shall make use of, in any manner, to his or her own or another's benefit, any license which has not been duly issued to him or her in accordance with this Ordinance.

Section 8. Existing Therapists and Massage Establishments.

- A. Any person presently operating as a para-massage therapist and/or operating a para-massage establishment in Raymond on the effective date of this Ordinance shall comply with the terms of this Ordinance by obtaining a license within sixty (60) days of the effective date.

Section 9. Severability.

In the event that any section, sub-section, or any portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such declaration shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

Section 10. Penalty.

The violation of any provision of this Ordinance shall be a civil violation punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this Ordinance by appropriate action.

Section 11. Term of License.

Licenses issued pursuant to this Ordinance shall be for a term of no more than one year and shall expire annually on December 31st.

Section 12. Application Fees.

The following fees shall be established for the licenses issued under this Ordinance:

Para-Massage Establishment License	\$50.00
Para-Massager License	\$25.00
Combined Para-Massage Establishment/Para-Massager License	\$30.00

The foregoing fees are payable at the time of application and are non-refundable.

Section 13. Applicability to Pending Applications.

Notwithstanding anything to the contrary in 1 M.R.S.A. §302, the provisions of this Ordinance shall apply to any application or request to operate a para-massage establishment previously submitted to the Town of Raymond or to any of its officers or employees.

RESTRICTING VEHICLE WEIGHT ON POSTED WAYS

Adopted May 20, 1997

Section 1. Purpose and Authority

The purpose of this Ordinance is to prevent damage to Town ways and bridges in the Town of Raymond which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of Town ways and bridges, and to reduce the public expense of their maintenance and repair.

This Ordinance is adopted pursuant to 30-A M.R.S.A. 3009 and 29-A M.R.S.A. 2395 and 2388.

Section 2. Definitions

The definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Ordinance. Any words not defined therein shall be given their common and ordinary meaning.

Section 3. Restrictions and Notices

The municipal officers may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public and prevent abuse of the highways, and designate the Town ways and bridges to which the restrictions shall apply.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posed unless otherwise exempt as provided herein.

The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signatures of the road commissioner or municipal officers.

The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the travelway. Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices.

No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

Section 4. Exemptions

The following vehicles are exempt from this Ordinance:

- A. Any two-axle vehicle while delivering home heating fuel;
- B. Any vehicle while engaged in highway maintenance or repair under the direction of the State or Town;
- C. Any emergency vehicle (such as fire fighting apparatus or ambulances) while responding to an emergency;
- D. Any school transportation vehicle while transporting students;
- E. Any public utility vehicle while providing emergency service or repairs; and
- F. Any vehicle whose owner or operator holds a valid permit from the municipal officers as provided herein.

Section 5. Permits

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the road commissioner or municipal officers for a permit to operate on a posted way or bridge notwithstanding the restriction. The municipal officers may issue a permit only upon all of the following findings:

- A. No other route is reasonably available to the applicant;
- B. It is a matter of economic necessity and not mere convenience that the Applicant use the way or bridge; and
- C. The applicant has tendered cash, a bond or other suitable security running to the Town in an amount sufficient, in their judgement, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same.

Even if the municipal officers make the foregoing findings, they need not issue a permit if they determine the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the highways.

In determining whether to issue a permit, the municipal officers shall consider the following factors:

- A. The gross registered weight of the vehicle;
- B. The current and anticipate condition of the way or bridge;

- C. The number or frequency of vehicle trips proposed;
- D. The cost and availability of materials and equipment for repairs;
- E. The extent of use by other exempt vehicles; and
- F. Such other circumstances as may, in their judgment, may be relevant.

The municipal officers may issue permits subject to reasonable conditions, including by not limited to restrictions on the actual load weight and the number of frequency of vehicle trips, which shall be clearly noted on the permit.

Section 6. Administration and Enforcement

This Ordinance shall be administered and may be enforced by the municipal officers or their duly authorized designee (such as road commissioner, code enforcement officer or law enforcement officer).

Section 7. Penalties

Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00). Each violation shall be deemed a separate offense. In addition to any fine, the Town may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs.

Prosecution shall be in the name of the Town and shall be brought in the Maine District Court.

Section 8. Amendments

This Ordinance may be amended by the municipal officers at any properly noticed meeting.

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SHORELAND ZONING PROVISIONS

(Available under separate cover.)

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SPECIAL AMUSEMENT ORDINANCE

May 15, 1993
Amended June 5, 2018

ARTICLE I

TITLE, PURPOSE & DEFINITIONS

Section 1.1 Title.

This Ordinance shall be known and may be cited as Town of Raymond, Maine, Special Amusement Ordinance.

Section 1.2 Purpose.

The purpose of this Ordinance is to control the issuance of special permits for music, dancing, or entertainment in facilities licensed by the State of Maine to sell liquor as required by 28-A M.R.S.A. §1054.

Section 1.3 Definitions.

Entertainment. For the purposes of this Ordinance, entertainment shall include any amusement, performance, exhibition, or diversion, for the patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

Licensee. For the purposes of this Ordinance, licensee shall include the holder of a license issued under the Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm association, corporation, or other legal entity, or any agent, or employee of any such licensee.

ARTICLE II

GENERAL

Section 2.1 Permit Required.

No licensee for the sale of liquor to be consumed on his licensed premises shall permit, on his licensed premises, any music, except, radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained ~~from~~ from the municipality in which the licensed premises are situated a special amusement permit signed by at least a majority of the municipal officers.

Applications for all Special Amusement Permits shall be made in writing to the municipal officers and shall state the name of the applicant; his residence; his address; the name of the business to be conducted; his business address; the nature of his business; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the municipal officers in the issuing of the permit, including but not limited to a copy of the applicant's current liquor license.

No permit shall be issued under this Ordinance, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, bylaws, rules and regulations, of the municipality, and state law.

The fee for a Special Amusement Permit shall be ten dollars (\$10.00).

The municipal officers shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing within fifteen (15) days, or such other number of days as the legislature may specify, from the date the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken.

The municipal officers shall, grant a permit unless they find that issuance of the permit will be detrimental to the public health, safety or welfare, or would violate municipal ordinances, articles, bylaws, rules and regulations, or state law.

A permit shall be valid only for the license year of the applicant's existing liquor license.

Section 2.2. Inspections.

Whenever inspections of the premises used for or in connection with the operation of the licensed business which has obtained a Special Amusement Permit are provided for or required by municipal ordinance, articles, bylaws, rules and regulations, or state law, or are reasonably necessary to secure compliance with any of the above, it shall be the duty of the licensee, his employee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the municipality authorized to make the inspection at any reasonable time that admission is requested.

The inspection shall be commenced by the service on the licensee of a written demand for inspection, which shall specify the date and time inspection is sought. The written demand shall be delivered to the licensee, his employee, or the person in charge of the premises to be inspected.

In addition to any other penalty which may be provided, the municipal officers may revoke, after notice and hearing, the Special Amusement Permit of any licensee in the municipality who refuses to permit any such officer, official, or employee, to make an inspection, or who interferes with such officer, official, or employee, while in the performance of their duty.

The municipal officers may, after notice and hearing, suspend, or revoke, any Special Amusement Permit which has been issued under this Ordinance on the grounds that the music, dancing, or entertainment, so permitted, or activities related thereto, constitute a detriment to the public health, safety, or welfare, or violate any municipal ordinances, articles, bylaws, rules and regulations, or state laws.

Section 2.3 Rules and Regulations.

The municipal officers are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation, of Special Amusement Permits, the classes of permits, the music, dancing, or entertainment permitted under each class, and other limitations on these activities required to protect the public health, safety, and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the house during which the permitted activities are permitted.

- A. Any licensee requesting a Special Amusement Permit from the municipal officers shall be notified in writing of their decision no later than fifteen (15) days, or such other number of days as the legislature may specify, from the date his request was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within thirty (30) days or such other number of days as the legislature may specify, after an application for a permit which has been denied.
- B. Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within thirty (30) days of the denial, suspension, or revocation, appeal the decision to the Board of Appeals as defined in and pursuant to 30 A M.R.S.A. §2691. The Board of Appeals may grant to reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety, or welfare, or that the denial, revocation, or suspension, was arbitrary or capricious, or that the denial, revocation, or suspension, was not based on a violation of any municipal ordinance, article, bylaw, rule or regulation, or state law.

Section 2.4 Admission.

A licensed hotel, Class A restaurant, Class A tavern, or restaurant malt liquor licensee, who has been issued a Special Amusement Permit may charge admission in designated areas approved by the municipal Special Amusement Permit.

Section 2.5 Live Entertainment Regulation

The purpose of this section is to regulate nudity as a form of live entertainment in those establishments at which alcoholic beverages are served or consumed, and which are licensees under this Ordinance.

No licensee shall permit entertainment on the licensed premises whether provided by professional entertainer(s), employees of the licensed premises, or any other person, when the entertainment involves:

- A. The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;
- B. The actual or simulated touching, caressing, or fondling on the breasts, buttocks, anus, or genitals.
- C. The actual or simulated displaying of the genitals, pubic hair, buttocks, anus or any portion of the female breasts at or below the areola area thereof.
- D. The permitting of any licensee of any person to remain in or upon the licensed premises who exposes to any public view any portion of his or her genitals or anus or female breasts below the areola area thereof.

For the purpose of this section, display or displaying and expose or exposing shall mean unclothed or un-costumed or not by a fully opaque cloth or textile material or to employ any device or covering which is intended to give the appearance of or to simulate the genitals, pubic hair, buttocks, anus or the portions of the female breasts at or below the areola area thereof.

ARTICLE III

PENALTY, SEVERABILITY & EFFECTIVE DATE

Section 3.1 Penalty.

Whoever violates any of the provision of this Ordinance shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation occurred shall be considered a separate offense.

Section 3.2 Severability.

The invalidity of any provision of this Ordinance shall not invalidate any other provision.

Section 3.3 Effective Date.

The effective date of this Ordinance shall be when enacted.

STREET ORDINANCE

(Available under separate cover.)

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SUBDIVISION ORDINANCE

(Available under separate cover.)

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SUBSURFACE WASTE DISPOSAL SYSTEM ORDINANCE

May 20, 1995

Section 1. Title:

This Ordinance shall be known as the Town of Raymond Subsurface Waste Disposal Ordinance.

Section 2. Authority:

This Ordinance is enacted pursuant to Title 22 §42, and Title 30A §§3001,3428, and 4201-4223.

Section 3. Purpose:

The purpose of the Ordinance is to protect and ultimately enhance the water quality in the Town of Raymond and to protect all inhabitants of the Town from the deleterious effects of diminished water quality.

Section 4. Applicability:

This Ordinance shall apply to all subsurface waste disposal systems within the Shoreland Zone as defined by State law and Town of Raymond Ordinances.

Section 5. Malfunctioning Septic Systems Within the Shoreland Zone:

No person, corporation, partnership or association, shall permit a malfunctioning subsurface waste disposal system as defined by Title 30A, Section 4201(5) to exist within the Shoreland Zone. At least once every five (5) years the local plumbing inspector may perform, or cause to be performed, a dye test on all septic systems within 250 feet of the high water mark of a lake or great pond. Malfunctioning subsurface waste disposal systems as evidenced by dye leaching or seeping into lake, rivers, streams, waterways, and wetland, or otherwise, shall be corrected by the owner as provided for in Title 30A §3428, and may be corrected by the municipal officers or their agents as provided in Title 30A §3428.

Section 6. Right of Access:

Any person, corporation, partnership or association owning a subsurface waste disposal system shall allow the plumbing inspector to enter property and buildings during reasonable hours. If the owner of a septic system violates this provision, the local plumbing inspector shall not enter the property or building, but shall obtain an administrative inspection warrant under Rule 80(E) of the Maine Rules of Civil Procedure.

Section 7. Collection of Expenses:

If the municipal officers incur expenses correcting a malfunctioning subsurface waste disposal system, and if they determine the owner does not have the financial capability to pay those expenses in a lump sum, they may negotiate payment over time pursuant to Title 30A §3444.

Section 8. Violations:

Any person, corporation, partnership or association maintaining a malfunctioning subsurface waste disposal system ten (10) days after receiving an order to remedy the malfunctioning subsurface waste disposal system or who otherwise does not follow the provisions of this Ordinance, shall be deemed to have violated this Ordinance.

Section 9. Enforcement of Penalty:

The Selectmen shall enforce the provisions of this Ordinance. A violation of any provision of this Ordinance shall be a civil violation and a civil penalty not exceeding Two Thousand Five Hundred Dollars (\$2,500.00) shall be imposed, which shall accrue to the benefit of the Town of Raymond. Each day that a violation continues will be treated as a separate offense. The Selectmen may also seek injunctive relief where appropriate.

Section 10. Severability:

If any part or parts, section or subsection, sentence, clause or phrase of this Ordinance is for any reason declared to be unconstitutional or invalid, such shall not affect the validity or constitutionality of the remaining portions of this Ordinance or any rules or regulations promulgated hereunder.

Section 11. Effective Date: This Ordinance shall become effective upon passage by the legislative body of the Town of Raymond at a duly called Town Meeting.

TOWN BOARDS, COMMITTEES, & COMMISSIONS MEMBERSHIP

Adopted March 1980
Amended March 1982
Amended June 5, 2018
Amended November 13, 2018

Purpose. This Ordinance shall govern the membership of the boards, committees and commissions of the Town of Raymond specified herein.

Elected Officials. No person shall hold more than one elective office of the Town, i.e. as a member of the Board of Selectmen, the RSU #14 Board of Directors or the Budget and Finance Committee. No person holding one such elective office shall be a voting or associate member of the Zoning Board of Appeals or the Planning Board of the Town of Raymond. However, a person holding an elective office may serve as a non-voting, ex-officio member of any body as otherwise specifically provided by ordinance and may serve as the moderator at any Town Meeting.

Conflict of Interest. All members will abide by the rules for Conflict of Interest pursuant to 30-A MRSA §2605.

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TOWN MANAGER

Adopted January, 1985

Abolish the position of Administrative Selectman and adopt the "Town Manager Plan" form of government for the Town of Raymond, as set forth in subchapter II-A of Title 30, M.R.S.A., being sections 2311-2320 thereof, excepting only that appointments by the Town Manager to the offices of Fire Chief, Road Commissioner, Code Enforcement Officer, Building Inspector and Plumbing Inspector shall be subject to confirmation by the Board of Selectmen.

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TRAFFIC ORDINANCE

Adopted 1998
Amended May 2, 2000

Art. I. In General, §§ 1-10

Art. II. Traffic-Control Devices, §§ 11-12

Art. III. Specific Street Regulations, §§ 13-14

Art. IV. Stopping, Standing, Parking, §§ 15-19

Art. V. Pedestrians, § 20

Art. VI. Vehicle Weight Restrictions, §§ 21-25

ARTICLE I. IN GENERAL

Sec. 1. Purpose and Authority

The purpose of this Ordinance is to regulate traffic in Raymond. It is enacted pursuant to 30-A M.R.S.A. § 3009.

Sec. 2. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Undefined words shall be given their common and ordinary meaning.

All-day parking shall mean the occupancy of a parking stall by a vehicle between the hours of 8:00 a.m. and 5:00 p.m.

Emergency vehicle shall mean vehicles of the fire department, police department, ambulance and other vehicles of municipal departments or public service corporations which are designated by the commissioner of public safety as emergency vehicles.

Motorcycle shall mean an open vehicle with one (1) front wheel and one (1) or two (2) rear wheels.

Motor vehicle shall mean any vehicle which is self-propelled.

Law enforcement officer includes any member of the Cumberland County Sheriff's Department or the Maine State Police.

Restricted parking areas shall mean those areas in which no parking or limited parking is

allowed.

Vehicle shall mean any device in or on which a person or thing may be conveyed from one (1) place to another along a way.

Sec. 3. Enforcement.

Authorized law enforcement officers shall enforce this ordinance and shall regulate the flow of traffic on all public ways. When necessary to meet an emergency situation in the interest of the health, safety or general welfare of the residents of the town, a law enforcement officer may temporarily suspend any provision of this ordinance. He or she may restrict and divert vehicular and pedestrian traffic, and he or she may restrict or regulate parking.

Sec. 4. Obedience to law enforcement officers.

All persons shall comply with any order of a law enforcement officer authorized by this ordinance.

Sec. 5. Obedience to ordinance.

The operator of any vehicle shall obey this ordinance unless otherwise directed by a law enforcement officer.

Sec. 6. Push carts and animals subject to regulations.

Any person propelling a push cart, riding an animal, or driving an animal-drawn vehicle on a public way is subject to the provisions of this ordinance which are applicable to the driver of any vehicle, except those which by their nature cannot apply.

Sec. 7. Public vehicles subject to regulations.

This ordinance also applies to all public vehicles and their drivers.

Sec. 8. Authority to remove vehicles.

When a vehicle is left unattended or disabled on a public way in such a manner as to obstruct traffic, and the owner or operator fails to remove it immediately, a law enforcement officer may order it removed to the nearest garage or other safe place at the expense of the owner.

Sec. 9. Parking penalty.

A person who parks a motor vehicle in violation of Article IV, Section 15 will be subject to a civil

forfeiture of one hundred dollars (\$100.00), plus attorneys' fees and costs.

Any person who parks a motor vehicle in violation of Article IV Section 18 will be subject to a civil forfeiture as set forth in Title 30A M.R.S.A., Section 3009, Subsection 1, paragraph D, plus attorneys' fees and costs.

Any person may waive court action by paying the civil forfeiture pursuant to the paragraph below. Except for violation of Article IV, Section 18 and not forgiving towing charges under Section 19, the civil forfeiture amount shall be twenty dollars (\$20.00).

Payments for all violations must be made at the Town Office. The treasurer shall give the violator a receipt for each payment and shall send a copy of it to the Town Treasurer. If payment is not made at the Town Office within seven (7) days after the notice of violation, the penalty provided by Article I, section 10 shall be imposed.

Sec. 10. General penalty.

Except where specifically indicated, a person who violates this ordinance shall be punished by a civil forfeiture of not more than one hundred dollars (\$100.00), plus attorneys' fees and costs.

ARTICLE II. TRAFFIC-CONTROL DEVICES

Sec. 11. Installation and maintenance of traffic signs.

The public works department shall place and maintain all traffic signs authorized by the municipal officers and this ordinance.

Sec. 12. Official traffic signs required.

Any provision of this ordinance for which signs are required may not be enforced if at the time and place of the alleged violation an official traffic sign is not properly positioned and sufficiently legible to be seen and read by an ordinarily observant person, or the person on whom the ordinance is to be enforced know of the existence of this sign.

ARTICLE III. SPECIFIC STREET REGULATIONS

Sec. 13. Designation of crosswalks.

Crosswalks are established at the approximate locations as designated by the Municipal officers and are on file in the Town Clerk's Office.

Sec. 14. Crosswalk signs.

Crosswalk signs must be placed on all designated crosswalks.

ARTICLE IV. STOPPING, STANDING, PARKING

Sec. 15. Rules governing stopping and parking.

The following rules govern the stopping and parking of vehicles:

- (1) Prohibited in certain places. Except in compliance with a statute or with this ordinance, a person shall not stop or park a vehicle on any public way in any of the following places:
 - a. On a sidewalk.
 - b. In front of a public or private driveway.
 - c. Within an intersection.
 - d. Within seven (7) feet of a fire hydrant, except as otherwise designated by a law enforcement officer.
 - e. On a crosswalk.
 - f. Alongside or opposite any excavation or obstruction when stopping or parking would obstruct traffic.
 - g. On the roadway side of any vehicle stopped or parked at the edge or curb of a public way.
 - h. On any bridge or other elevated structure.
 - i. At any place where official signs or yellow curbing indicates a restricted, no-stopping or no-parking area.
 - j. Within twenty (20) feet of a marked crosswalk.
 - k. Within twenty (20) feet of the near corner of the curbs at an intersection unless otherwise designated.
- (2) Not to obstruct traffic. A person shall not park any vehicle on a public way so as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.
- (3) Oversize vehicles. A driver of a vehicle having an overall length of twenty (20) feet or more shall not stop or park diagonally on any public way, but may park parallel with the curb, where parallel parking is permitted, for not more than thirty (30) minutes.

- (4) Parking for certain purposes prohibited. A person shall not park a vehicle on any public way for the principal purpose of washing, lubricating or displaying it for sale, or repairing it, except for changing tires or making other emergency repairs.
- (5) Owner liable. A person shall not allow any vehicle registered in his name to be parked on any public way in violation of this ordinance.
- (6) Temporary parking restrictions. When a law enforcement officer believes circumstances require it, he or she may temporarily prohibit the parking of vehicles at the entrance to any place of public assembly, or any other place, and install signs so indicating. This restriction remains effective until the need for it no longer exists. A person shall not park a vehicle in an area in which parking is temporarily prohibited.
- (7) Interfering with snow removal. A person shall not park a vehicle at any time on any public way so as to interfere with the snow plowing or removal of snow from it by the town. A law enforcement officer may cause to be removed any such vehicle and place it in a suitable parking space, at the expense of the owner. For the purpose of facilitating snow removal, the road commissioner may place temporary signs along any public way from which the snow is about to be removed, indicating that parking a vehicle is prohibited. A person shall not park a vehicle within the area indicated by the signs.
- (8) Interfering with parking ban. A person shall not park a vehicle at any time on any public way in violation of a winter parking ban promulgated by the road commissioner.

A winter parking ban shall be declared and reduced to writing at least six hours prior to its starting time. It shall also be communicated to representatives of the communications media at least six hours prior to its starting time.

- (9) Abandoned Vehicle. For the purposes of this section, a vehicle parked or stopped on any public way, private way, or which a law enforcement officer has determined has not been moved within a seven (7) day period, may be ordered removed by a law enforcement officer, and placed in a suitable location at the expense of the owner, after reasonable attempts have been made by the law enforcement officer to contact the owner or operator.
- (10) Obstructing Certain Ways. A person shall not park a vehicle on any public way, private way, alley, fire lane, bridge, private drive or private road, in such a way as to obstruct any other public way, private way, alley, fire lane, bridge, private drive or private road, unless in the case of a private drive or private road the person has permission of the owner of the private drive or private road. A law enforcement officer, at the vehicle owner's expense, may order the immediate removal of said vehicle.

Sec. 16. No Parking areas .

The following areas are designated as no parking areas:

The portion of Route 302 between the intersection of Route 302 and the east end of Maine Street and the intersection of Route 302 and the west end of Main Street including the traveled way, paved shoulders and gravel shoulders.

Sec. 17. No-parking signs.

No-parking signs must be placed in no-parking areas in such a manner as to be seen and understood by an ordinarily observant person. In the case of a missing sign, enforcement may take place against a person who knew of the existence of the sign.

Sec. 18. Handicapped parking.

A person shall not park a vehicle in a parking stall on a public way or a town-owned public parking lot specifically designated by the municipal officers to be used for "Handicapped Parking Only," unless the vehicle is equipped with a special designating plate or placard issued by the secretary of state under the provisions of Title 29A M.R.S.A., Section 521.

Sec. 19. Parking Violations - Towing.

- (1) Purpose. The purpose of these sections is to improve the enforcement of the Raymond parking ordinances and to discourage habitual violators.
- (2) Definitions. The following words and terms as used in these sections shall have the meanings ascribed thereto, unless the context otherwise indicates:
 - A. *TOWING LIST* means a list maintained by a law enforcement agency containing the names of those wreckers approved by the Town to respond to requests for the towing of vehicles made by a law enforcement officer.
 - B. *WRECKER* means a person engaged in the business of, or offering the services of, a vehicle wrecker or towing service, whereby motor vehicles are or may be towed or otherwise moved from one place to another by the use of a motor vehicle adapted to and designated for that purpose.
 - C. *WAIVER CHARGES OR CHARGES* means the fees a violator may pay to waive court action plus all expenses the Town of Raymond incurs specifically enumerated in this ordinance or State law to collect fees or fines, including but not limited to certified mail fees.
- (3) Towing. A law enforcement officer is authorized, subject to the requirements of these Sections, to remove by use of a wrecker, and impound any vehicle found in a handicapped parking area, and is authorized to take whatever action is reasonably necessary to carry out the provisions of these sections.
- (4) Procedure for Towing and Impoundment. A law enforcement officer ordering towing and impoundment of a vehicle under these sections shall, at the time of such towing and impounding, or within a reasonable time thereafter, notify the dispatcher of the storage location of the vehicle. Such information shall be recorded by the dispatcher for use by the law enforcement officer and the Town. The Town shall notify the owner or operator by

certified mail, return receipt requested, of the towing and impoundment of the vehicle within five (5) business days of the towing and impoundment thereof, the storage location of such vehicle, and the requirements of release as set forth in subsection 5. This section shall not apply where an impounded vehicle has been released within the five (5) day period.

(5) Release of Vehicles. The vehicle shall not be released until:

- A. The individual requesting the release presents satisfactory evidence of his/her right to possession and signs a receipt therefore; and,
- B. The Town certifies that all civil forfeitures or waiver fees described in this ordinance, including the fees for towing and impoundment have been paid; or,
- C. Upon the certification by the Town that the owner or operator is unable to pay accumulated civil forfeitures or waiver charges by reason of poverty, having provided satisfactory proof of such status, and that such owner or operator has accepted a summons initiating a court proceeding to determine his/her liability for the alleged violations.

(6) Towing Conditions. Once a law enforcement officer has ordered towing, one (1) of three (3) following possibilities exist:

- A. If the towing truck is en route to the scene but has not yet arrived, and the owner or operator has arrived, or if they arrive approximately the same time, then the owner or operator must pay the wrecker, on arrival, in the amount of one-half ($\frac{1}{2}$) of the towing charge and must pay to the wrecker, to be turned over to the Town, all civil forfeitures or waiver charges to effect the on-the-scene release of the vehicle.
- B. If the wrecker has secured the vehicle before the owner or operator arrives, the owner or operator must pay the wrecker, on arrival, all the towing charges and must pay the wrecker, to be turned over to the Town, all civil forfeitures or waiver charges to effect the on-the-scene release of the vehicle.
- C. If the vehicle is actually towed away for impoundment, the vehicle owner or operator must pay the wrecker all towing and storage charges and must pay the wrecker, to be turned over to the Town, all civil forfeitures and waiver charges, in order to gain release of the vehicle

(7) Interference with Enforcement. It shall be a violation of these sections for any person to obstruct or attempt to prevent the removal of a vehicle as provided in these sections. The penalty for such violation shall not be less than fifty (\$50) dollars nor more than one-thousand (\$1,000) dollars.

(8) Hearings. The owner or operator of a towed and impounded vehicle may request a hearing on the applicability of these sections to the towing and impoundment. Such hearing shall be scheduled at the earliest possible date and be conducted by the Municipal officers.

ARTICLE V. PEDESTRIANS

Sec. 20. Right-of-way at crosswalks.

Where traffic-control signals are not in place or in operation, the operator of a vehicle shall yield the right-of-way to a pedestrian crossing a public way within any marked crosswalk or at any intersection protected by a stop sign. When any vehicle is stopped at a crosswalk or intersection to permit a pedestrian to cross, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

ARTICLE VI. VEHICLE WEIGHT RESTRICTIONS

Sec. 21. Purpose and Authority.

The purpose of this ordinance is to prevent damage to town ways and bridges in the Town of Raymond which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair.

This portion of the ordinance is adopted pursuant to 30-A M.R.S.A. 3009 and 29-A M.R.S.A. 2395 and 2388.

Sec. 22. Definitions.

The definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Article. Any words not defined therein shall be given their common and ordinary meaning.

Sec. 23. Restrictions and Notices.

The municipal officers may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public and prevent abuse of the highways, and designate the town ways and bridges to which restrictions shall apply.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.

The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signatures of the road commissioner or municipal officers.

The notice shall be conspicuously posted at each end of the restricted portion of the way or

bridge in a location clearly visible from the travelway. Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices.

No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

Sec. 24. Exemptions.

The following vehicles are exempt from this ordinance:

- (a) any two-axle vehicle while delivering home heating fuel;
- (b) any vehicle while engaged in highway maintenance or repair under the direction of the State or Town;
- (c) any emergency vehicle (such as firefighting apparatus or ambulances) while responding to an emergency;
- (d) any school transportation vehicle while transporting students;
- (e) any public utility vehicle while providing emergency service or repairs; and
- (f) any vehicle whose owner or operator holds a valid permit from the municipal officers as provided herein.
- (g) any vehicle engaged in solid waste pick-up or recycling.

Sec. 25. Permits.

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the municipal officers for a permit to operate on a posted way or bridge notwithstanding the restriction. The municipal officers may issue a permit only upon all of the following findings:

- (a) no other route is reasonably available to the applicant;
- (b) it is a matter of economic necessity and not mere convenience that the applicant use the way or bridge;
- (c) the applicant has tendered cash, a bond or other suitable security running to the Town in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same; and
- (d) the applicant's use cannot reasonably be expected to create or aggravate a safety hazard or cause substantial damage. In making this finding, the municipal officers shall consider the cumulative effects of the permits issued to the date of the application.

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WIRELESS COMMUNICATION

(Available under separate cover.)



SHORELAND ZONING PROVISIONS TOWN OF RAYMOND

**ADOPTED MAY 21, 1994
WITH AMENDMENTS ADOPTED**

March 18, 2000

May 18, 2002

May 17, 2003

May 21, 2005

December 2, 2008

June 1, 2010

June 7, 2011

June 5, 2012

June 4, 2013

June 3, 2014

June 3, 2015

June 7, 2016

**RAYMOND PLANNING BOARD
RAYMOND, MAINE**

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TOWN OF RAYMOND SHORELAND ZONING PROVISIONS

SECTIONS 1 to 11

INTRODUCTION

These Shoreland Zoning provisions are a part of the Raymond Land Use Ordinance.

SECTION 1. PURPOSES

The purpose of these ordinance provisions is to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

SECTION 2. AUTHORITY

These ordinance provisions have been prepared in accordance with the provisions of Title 38 sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

SECTION 3. APPLICABILITY

Except for Section 15. P- 1, Timber Harvest – Statewide Standards, these ordinance provisions apply to all land areas, as currently mapped and in effect, within 600 feet, horizontal distance, of the normal high-water line of any great pond, or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; within 100 feet, horizontal distance, of the normal high-water line of a stream; and any other land designated on the Official Raymond Land Use Map as a Resource Protection, Limited Residential/Recreation I, or Limited Residential/Recreation II District. These ordinance provisions also apply to any structure built on, over or abutting a dock, wharf or pier, or other structure extending below the normal high-water line of a water body or within a wetland.

Section 15. P- 1, Timber Harvest – Statewide Standards, when it becomes effective in accordance with Section 4.B, shall apply to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond, or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; within 75 feet, horizontal distance, of the normal high-water line of a stream. These ordinance provisions also apply to any structure built on, over or abutting a dock, wharf or pier, or other structure extending below the normal high-water line of a water body or within a wetland.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTIONS 1 to 11

SECTION 4. EFFECTIVE DATE AND REPEAL OF FORMERLY ADOPTED ORDINANCE

A. Effective Date

These ordinance provisions, which were adopted by the Raymond Town Meeting on December 19, 1991, shall not be effective unless approved by the Department of Environmental Protection. A certified copy of these ordinance provisions, or ordinance amendments attested and signed by the Town Clerk, shall be forwarded to the Department of Environmental Protection for approval. If the Department of Environmental Protection fails to act on these ordinance provisions, or ordinance amendments, within forty-five (45) days of its receipt of these ordinance provisions, or ordinance amendments, they shall be deemed approved.

Any application for a shoreland zoning-related permit submitted to the Town of Raymond within the forty-five (45) day period shall be governed by the terms of these ordinance provisions, or ordinance amendments, if these provisions, or ordinance amendments, are approved by the Department of Environmental Protection.

B. Sections 15(P) and 15(P-1)

Section 15(P) is repealed on the statutory date established under 38 M.R.S.A. section 438-B(5)¹, at which time Section 15(P-1) shall become effective. Until such time as Section 15(P) is repealed, Section 15(P-1) is not in effect.

SECTION 5. AVAILABILITY

A certified copy of these ordinance provisions shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of these ordinance provisions shall be posted.

SECTION 6. SEVERABILITY

Should any section or provision of these ordinance provisions be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of these ordinance provisions.

¹

The statutory date established under 38 M.R.S.A. section 438-A(5) is the effective date of state-wide timber harvesting standards. That date is "the first day of January of the 2nd year following the year in which the Commissioner of Conservation determines that at least 252 of the 336 municipalities identified by the Commissioner of Conservation as the municipalities with the highest acreage of timber harvesting activity on an annual basis for the period 1992-2003 have either accepted the state-wide standards or have adopted an ordinance identical to the state-wide standards." 38 M.R.S.A. section 438-A(5) further provides that "the Commissioner of Conservation shall notify the Secretary of State in writing and advise the Secretary of the effective date of the state-wide standards."

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS

SECTIONS 1 to 11

SECTION 7. CONFLICTS WITH OTHER ORDINANCES

Whenever a provision of these shoreland ordinance provisions conflicts with or is inconsistent with another provision of these ordinance provisions, the other provisions of the Raymond Land Use Ordinance, or of any other ordinance, regulation or statute, administered by the municipality, the more restrictive provision shall control.

SECTION 8. AMENDMENTS

These ordinance provisions may be amended by majority vote of the Town Meeting. Copies of amendments, attested and signed by the Town Clerk, shall be submitted to the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Department of Environmental Protection. If the Department of Environmental Protection fails to act on any amendment within forty-five (45) days of the Department's receipt of the amendment, the amendment is automatically approved. Any application for a shoreland zoning-related permit submitted to the Town of Raymond within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Department.

SECTION 9. DISTRICTS AND ZONING MAP

A. Official Raymond Land Use Map

The areas to which these ordinance provisions are applicable are hereby divided into the following districts as shown on the Raymond Official Land Use Map, which is made a part of these ordinance provisions:

1. Resource Protection (RP)
2. Stream Protection (SP)
3. Limited Residential/Recreation (LRR1)
4. Limited Residential/Recreation II (LRR2)

Note: Article 4 of the Raymond Land Use Ordinance contains a description of Raymond's other zoning districts.

B. Certification of Raymond Official Land Use Map

The Raymond Official Land Use Map shall be certified by the attested signature of the Town Clerk and shall be located in the Town Office.

C. Changes to the Raymond Official Land Use Map

If amendments are made in the district boundaries or other matters portrayed on the Raymond Official Land Use Map, in accordance with Section 8, such changes shall be

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTIONS 1 to 11

made on the Raymond Official Land Use Map within thirty (30) days after the amendment has been approved by the Department of Environmental Protection.

SECTION 10. INTERPRETATION OF DISTRICT BOUNDARIES

Unless otherwise set forth on the Raymond Official Land Use Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

SECTION 11. LAND USE REQUIREMENTS

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 12 NON-CONFORMANCE

SECTION 12. NON-CONFORMANCE

A. Purpose

It is the intent of these ordinance provisions to promote land use conformities, except that non-conforming conditions that legally existed before the effective date of these ordinance provisions or amendments hereto shall be allowed to continue, subject to the requirements set forth in this Section 12. Except as otherwise provided in these ordinance provisions, a non-conforming condition shall not be permitted to become more non-conforming.

B. General

1. **Transfer of Ownership:** Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of these ordinance provisions.
2. **Repair and Maintenance:** These ordinance provisions allow, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as a federal, state, or local building and safety codes may require.

C. Non-conforming Structures

1. **Expansions:** All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 15(B)(1). A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure. A conforming situation cannot be made nonconforming and a nonconforming situation cannot be made more nonconforming.
 - a. Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase the nonconformity with the water body, tributary stream, or wetland setback requirement.

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- b. Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met, and the expansion is not prohibited by Section 12(C)(1).
 - i. The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
- c. All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirement may be expanded or altered as follows, as long as other applicable municipal land use standards are met, and the expansion is not prohibited by Section 12(C)(1) or Section 12 (C)(1)(a) above.
 - i. For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
 - ii. For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i), and Section 12(C)(1)(c)(i) above.
 - iii. In addition to the limitations in subparagraphs (i) and (ii) for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge

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of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

- d. An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the Registry of Deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the CEO.
2. **Foundations.** Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(3) Relocation, below.
3. **Relocation:** A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Code Enforcement Officer, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law, the State of Maine Subsurface Wastewater Disposal Rules (Rules), and the Town's standards, or that a new system can be installed in compliance with the law, said Rules and local standards. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming. In determining whether the building relocation meets the setback to the greatest practical extent, the Code Enforcement Officer shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Code Enforcement Officer shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 15(S). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

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- a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.
 - b. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.
4. **Reconstruction or Replacement:** Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Code Enforcement Officer in accordance with the purposes of these ordinance provisions. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming footprint of the reconstructed or replaced structure at its new location. If the total amount of footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(3) above.

Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the Code Enforcement Officer within one year of such damage, destruction, or removal. In determining whether the building reconstruction or replacement meets the water setback to the greatest

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SECTION 12 NON-CONFORMANCE

practical extent the Code Enforcement Officer shall consider, in addition to the criteria in paragraph 2 above, the physical condition and type of foundation present, if any.

5. **Change of Use of a Non-conforming Structure:** The use of a non-conforming structure may not be changed to another use unless the Board of Appeals after receiving a written application determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use. In determining that no greater adverse impact will occur, the Board of Appeals shall require written documentation from the applicant, regarding the probable effects on public health and, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Non-conforming Uses

1. **Expansions:** Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Code Enforcement Officer, be expanded within existing residential structures or within expansions of such structures as allowed by Article 3 of the Raymond Land Use Ordinance and by Section 12(C)(1) above.
2. **Resumption Prohibited:** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Board of Appeals may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
3. **Change of Use:** An existing non-conforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Board of Appeals. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(5) above.

E. Non-conforming Lots

The provisions of this section shall apply to non-conforming lots in the shoreland districts, provided that the requirements of Article 3, Section A.3 of the Raymond Land Use Ordinance can first be met by said non-conforming lots.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 12 NON-CONFORMANCE

1. **Non-conforming Lots:** A legal non-conforming lot of record as of the effective date of these ordinance provisions or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all requirements of these ordinance provisions and other relevant Town ordinances, except lot area, lot width and shore frontage, can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore and road frontage shall be obtained by action of the Board of Appeals.
2. **Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of these ordinance provisions, if all or part of the lots do not meet the dimensional requirements of these ordinance provisions, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine and local Subsurface Wastewater Disposal Rules are complied with. If two or more principal uses or structures existed on a single lot of record on the effective date of these ordinance provisions, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of these ordinance provisions.
3. **Contiguous Lots - Vacant or Partially Built:** If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of these ordinance provisions, if any of these lots do not individually meet the dimensional requirements of these ordinance provisions or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements, except when the landowner can meet the requirements of Article 3, Section 3.b of the Raymond Land Use Ordinance prior to September 26, 1992.

**TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 13 ESTABLISHMENT OF SHORELAND DISTRICTS**

SECTION 13. ESTABLISHMENT OF SHORELAND DISTRICTS

A. Resource Protection District (RP)

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, except that areas that are currently developed need not be included in the Resource Protection District:

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by MDIF&W. For purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.
2. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during period of normal high water.
5. Land areas along rivers subject to severe bank erosion and undercutting.
6. Other land areas designated as Resource Protection on the Raymond Official Land Use Map.

B. Stream Protection District (SP)

The Stream Protection District includes all land areas within one hundred (100) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a wetland. Where a stream and its associated shoreland area are

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 13 ESTABLISHMENT OF SHORELAND DISTRICTS

located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland. *[Adopted 6/1/10]*

C. Limited Residential/Recreational I District (LRR1)

The Limited Residential/Recreational I District includes those areas suitable for moderate residential and recreational development as designated on the Raymond Official Land Use Map. It includes areas other than those in the Resource Protection or Stream Protection Districts.

D. Limited Residential/Recreational II District (LRR2)

The Limited Residential/Recreational II District includes those areas suitable for low-density residential and recreational development as designated on the Raymond Official Land Use Map. It includes areas other than those in the Resource Protection or Stream Protection Districts.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS

SECTION 14 TABLE OF LAND USES

SECTION 14. TABLE OF LAND USES

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. If a specific land use activity is not included in Table 1, the Board of Appeals shall make a determination about the applicability of these shoreland zoning provisions to said activity when so requested by a landowner or municipal official. The district designation for a particular site shall be determined from the Official Raymond Land Use Map.

A. Key to Table 1:

- Yes - Allowed (no permit required but the use must comply with all applicable State and local standards and ordinances.
- No - Prohibited
- PB - Allowed with permit issued by the Planning Board
- CEO - Allowed with permit issued by the Code Enforcement Officer

B. Abbreviations:

- RP - Resource Protection
- SP – Stream Protection
- LR/R-I - Limited Residential/Recreational I
- LR/R-II - Limited Residential/Recreational II

TABLE 1 “LAND USES IN THE SHORELAND ZONE”

LAND USES	RP	SP	LRR1 LRR2
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes
3. Forest management activities except for timber harvesting	yes	yes	yes
4. Timber harvesting*	CEO ¹	yes	yes
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO ¹	CEO	CEO
6. Fire prevention activities	yes	yes	yes
7. Wildlife management practices	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes
9. Mineral exploration*	yes ²	no	yes ²

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 14 TABLE OF LAND USES

LAND USES contd.	RP	SP	LRR1 LRR2
10. Mineral extraction including sand and gravel	CEO ³	no	CEO
11. Surveying and resource analysis	yes	yes	yes
12. Emergency operations	yes	yes	yes
13. Agriculture*	PB	yes	yes
14. Aquaculture	PB	PB	PB
15. Principal structures and uses	.	.	.
15. A. Single family residential	no	no	CEO
15. B. Two family residential	no	no	CEO
15. C. Multi-family residential	no	no	no
15. D. Small non-residential facilities for education, scientific, or nature interpretation purposes	PB	PB	CEO
15. E. Public Facilities	no	no	PB
15. F. Elderly Housing	no	no	yes
16. Accessory Structure or uses	PB	PB	CEO
16. A. Accessory Apartment	no	no	CEO
17. Piers, docks, wharves, bridges, boat launches, and other structures and uses extending over or below the normal high water line or within a wetland	.	.	.
17. A. Temporary	CEO ⁷	CEO	CEO ⁷
17. B. Permanent	PB	PB	PB
18. Conversions of seasonal residences to year-round residences	no	no	CEO
19. Home occupations**	no	no	yes
20. Private sewage disposal systems for allowed uses	no	no	CEO
21. Essential services	PB ⁴	PB ⁴	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB
24. Personal campsites	CEO	CEO	CEO
25. Campgrounds	no ⁵	no	PB
26. Road and driveway construction*	no ⁶	PB	CEO
27. Parking Areas	no ⁵	no	PB
28. Marinas	no	PB	PB
29. Filling and earthmoving of less than 10 cubic yards	CEO	CEO	yes
30. Filling and earthmoving of more than 10 cubic yards	PB	PB	CEO
31. Signs*	yes	yes	yes
32. Uses similar to allowed uses	CEO	CEO	CEO
33. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO
34. Uses similar to uses requiring a PB permit	PB	PB	PB

* There may be additional performance standards in Article 9 of the Raymond Land Use Ordinance beyond those in Section 15 of these shoreland zoning provisions.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 14 TABLE OF LAND USES

** Home occupations are those land uses that conform with the requirements of Article 9. A home occupation that conforms to Article 9 and that is specifically permitted by Article 11 of the Raymond Land Use Ordinance shall be considered a permitted use in the Limited Residential/Recreation I and II Districts. All other home occupations not specifically listed in the definitions of home occupations in Article 12 of the Raymond Land Use Ordinance shall be considered conditional uses that must conform to the standards set forth in Article 9, Section B of the Raymond Land Use Ordinance and that must be reviewed and approved by the Appeals Board.

1. [Reserved, *Deleted 6/7/12*]
2. Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
3. In RP not permitted in areas so designated because of wildlife value.
4. See further restrictions in Section 15, Subsection M.2.
5. Except for Panther Run's floodplain, in which case a permit is required from the Planning Board.
6. Except to provide for permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the Planning Board.
7. Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

SECTION 15. LAND USE STANDARDS

All land use activities within the shoreland zone shall conform to the following provisions, if applicable. An asterisk (*) found next to the section headings listed below indicates that there may be additional performance standards in Article 9 of the Raymond Land Use Ordinance.

A. Minimum Lot Standards and Setbacks

1. Lots shall meet or exceed the following minimum lot size requirements:
 - a. Limited Residential/Recreational I - two (2) acres; and
 - b. Limited Residential Recreational II - three (3) acres.
 - c. Resource Protection and Stream Protection – For purposes of determining minimum lot size requirements for land within the RP and SP districts, those districts shall be treated as overlay districts and the minimum lot size shall be the minimum required under Article 4 of the Town of Raymond Land Use Ordinance.
2. A lot abutting a lake, pond, river, stream, road, water body or wetland shall meet or exceed the following minimum shore and road frontage requirements:
 - a. Residential per dwelling unit - 225 feet;
 - b. Governmental, Institutional, Commercial, or Industrial per principal structure - 300 feet; and
 - c. Public and Private Recreational Facilities - 225 feet.

Shore frontage shall be measured in a straight line between the points of intersection of the side lot lines with the shoreline at normal high water elevations.

3. The minimum building setbacks shall be as follows:
 - a. Front - 30 feet;
 - b. Side - 20 feet;
 - c. Rear - 30 feet; and
 - d. Normal high water line of a lake, pond, stream, or other water body, or the upland edge of a protected wetland, whichever is greater, except when covered by Section 15, Subsection A.3.e. below - 100 feet.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

- e. Upland edge of a protected wetland of 10 or more acres in size that is rated as having high or moderate wildlife habitat value - 250 feet.
 - f. Right-of-way owned by the property owner, the set back shall be no closer to the traveled portion than the abutting property owners building or 10 feet whichever is less.
- 4. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
 - 5. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
 - 6. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use. If more than one residential dwelling, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure, or use.
 - 7. Elderly Housing as defined in the Land Use Ordinance shall:
 - a. Meet a net residential density of forty thousand (40,000) square feet per unit.
 - b. Meet the standards of Article 8, C, (Items 1 & 3.a. & b, & D. in the Land Use Ordinance.

B. Principal and Accessory Structures

- 1. All new permitted principal and accessory structures shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of any lakes, ponds, other water bodies, tributary streams, or the upland edge of a wetland.

In addition, the water body, tributary stream, or wetland setback provision shall apply to neither structure that require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

- 2. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

3. Principal or accessory structures and expansions of existing structures that are permitted in the Resource Protection, Stream Protection, Limited Residential/Recreational I, and Limited Residential/Recreational II Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, cupolas, and similar structures having no floor area.
4. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood level as defined by soil types identified as recent flood plain soils. Any new construction, including prefabricated buildings, shall be anchored to prevent flotation and lateral movement and shall be constructed with flood-resistant materials and methods. All new and replacement water supply and sewage disposal facilities shall be so located and designed as to minimize infiltration, contamination or other impairment by flooding.
5. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed fifteen (15) percent of the lot or a portion thereof located within the shoreland zone, including land area previously developed. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.
6. For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as non-vegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in continuous existence since that date.
7. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - a. The site has been previously altered and an effective vegetated buffer does not exist;

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

- b. The wall(s) is (are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - d. The total height of the wall(s), in the aggregate, are no more than 24 inches;
 - e. Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
 - f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
 - g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - 1) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - 2) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - 3) Only native species may be used to establish the buffer area;
 - 4) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - 5) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer.
8. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland (unless permitted by the Department of Environmental

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal high-water Line of a Water Body or Within a Wetland

1. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 15(A), a second structure may be allowed and may remain as long as the lot is not further divided.
2. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
3. The location shall not interfere with existing developed or natural beach areas.
4. The facility shall be located so as to minimize adverse effects on fisheries.
5. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.
6. All temporary structures must be removed to beyond the normal high water line by December first of each year, or a penalty of \$100.00 per day beyond December first shall be imposed.
7. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
8. A structure constructed on a float or floats is prohibited unless it is designed to function as, and is registered with the Maine Department of Inland Fisheries and Wildlife as a watercraft.
9. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
10. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

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11. Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resource Protection Act, Title 38 M.R.S.A., Section 480-C.
12. Vegetation may be removed in excess of the standards in Section 15(Q) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.
 - a. When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment access way must be restored.
 - b. Revegetation must occur in accordance with Section 15(S)

D. Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures, Town standards and the following:

1. Campgrounds shall contain a minimum of twenty thousand (20,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of any lake, pond, other water bodies, tributary streams, or the upland edge of a wetland.

E. Personal Campsites*

Any premise providing temporary accommodation for campers in a recreational vehicle, trailer or tent and used exclusively by the owner of the property and his/her immediate family shall be permitted, provided the following conditions are met:

1. Such private campgrounds shall be limited to no more than one (1) campsite and may not be utilized for more than 90 calendar days per calendar year, beginning from the date of first use, including storage of a recreational unit, excepting that, the owner of a lot/parcel used as his/her primary residence may store the recreational vehicle(s) or camper(s) owned and registered to him/her. All structures must be removed at the end of the 90 days.

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2. If two recreational vehicles or trailers are sited on one lot/parcel located in the shoreland district, each shall contain at least 30,000 square feet, and in all other zones each campsite shall contain at least 30,000 square feet.
3. In no case shall two campsites comprise more than fifty (50) percent of any lot/parcel, and in no case shall the campsite(s) comprise more than fifty (50) percent of any lot/parcel which also has a seasonal or year-round structure on the lot/parcel.
4. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
5. All setback requirements must be met, which shall apply to any part of tent or recreational unit, including awnings.
6. A permit must be obtained before the first day of use.
7. Size of a tent or recreational unit on an individual campsite shall be limited to 280 square feet of floor area, measured from the overall outside dimensions.
8. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1,000) square feet.
9. All waste must be disposed of according to all State and local regulations.
10. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.

F. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to any lakes, ponds, and Panther Run, including but not limited to:

1. Auto washing facilities;
2. Auto or other vehicle service and/or repair operations, including body shops;
3. Chemical and bacteriological laboratories;
4. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms;

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5. Commercial painting wood preserving, and furniture stripping;
6. Dry cleaning establishments;
7. Electronic circuit assembly;
8. Laundromats, unless connected to a sanitary sewer;
9. Metal plating, finishing, or polishing;
10. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas;
11. Photographic processing;
12. Printing.

G. Parking Areas*

1. Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located and shall also meet the off-street parking requirements contained in Article 9 of the Raymond Land Use Ordinance. The setback requirement for Parking Areas shall be 100 feet from the shoreline or tributary stream, provided, however, that the setback for a Parking Areas serving a public boat launching facility may be reduced to fifty (50) feet, horizontal distance, from the shoreline or tributary stream, if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
2. In determining the appropriate size of a proposed Parking Area, the following shall apply:
 - a. The maximum number of parking spaces or parking lot area allowed in any one cluster of parking is 50 vehicle spaces or paved or impervious area not to exceed 20,000 sq. ft., whichever is less. Each cluster must meet the setback requirements. More than one cluster of parking may exist on a lot but each cluster must meet the criteria independently. Each cluster must be connected internally by an access not less than 50 feet in length. If a property is to contain more than 100 spaces, a second entrance or exit to a private or town road must be provided. The Planning Board may waive the standard for a parking cluster size by no more than 50% (75 spaces total per cluster) utilizing the Off Street Parking Waiver criteria.

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- b. Each Parking Area or cluster must have a minimum pavement setback of:

60 feet front and rear yard setback
40 feet side yard setback

Parking Areas with total parking spaces under 25 spaces may have pavement setbacks reduced by 50%.

- c. Each Parking Area or cluster shall maintain a minimum vegetated buffer around the perimeter of the parking lot. No setbacks are required around a parking edge, if the parking is adjacent to the principal or accessory building or active area associated with the land use. Minimum naturally vegetated (no cut) buffers are necessary from external property lines and shall be as follows:

50 feet for front yards,
30 feet for rear and side yards

Planted landscape areas/buffers may be placed in lieu of the vegetated buffers but must contain species a minimum of 6 feet tall for 50% of the buffer area. Landscape buffers shall be:

40 feet for front yards,
20 feet for rear and side yards

Parking Areas with total parking spaces under 25 spaces may have buffer and landscape requirements reduced by 50%.

If multiple cluster Parking Areas are proposed on a single lot or common scheme parcels of land, they must be separated by a minimum of a 50-foot naturally vegetated, or 40-foot landscaped, buffer. This shall be measured from the closest point of the actual parking pavement area of one cluster parking area to any other separate cluster parking areas nearest point of pavement.

- d. All Parking Areas shall be designed to incorporate landscape island strips of no less than 100 sq. ft. within the internal parking lot. The total area of parking islands or "internal green spaces" shall be no less than 5% of the total impervious coverage of the Parking Area. Access drives from the primary street entrance(s) to the Parking Area shall not be considered in this equation.

3. Parking areas shall be adequately sized for the proposed use and shall be designed to protect water resources and water bodies by a design effort to limit impervious areas, minimize soil disturbance, include vegetative buffers, and provide screening to residential zones or uses. The number of parking spaces

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within a Parking Area shall be limited to the number of spaces required for the associated permitted use, as provided in Article 9, Section C of the Raymond Land Use Code; as proposed as necessary by the applicant; or as approved by the Planning Board as essential to the land use proposed. For the purposes of this section, a traffic parking report must be provided by a licensed engineer to warrant the parking space requirements needed and shall include documentation noting the source of information, or the study or data for parking estimation, to justify the parking necessary.

4. In determining the appropriate individual parking space size within proposed Parking Area, the following shall apply:
 - a. Typical parking space/vehicle:
A minimum of nine (9) feet wide and eighteen (18) feet long
Compact car space/vehicle: A minimum of eight (8) feet wide and sixteen (16) feet long
Compact parking spaces may not exceed 15% of the total parking spaces

Typical boat launching facility parking space/vehicle: A minimum of ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - b. Typical internal travel aisles: Maximum twenty-four (24) feet wide.
5. Parking Areas shall be designed and managed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland. Designs shall additionally incorporate measures which promote recharge of surface runoff by means of natural soil infiltration or by engineered Best Management Practices as described in the Maine Department of Environmental Protection's *Maine Stormwater Management Best Management Practices Manual*:
(<http://www.maine.gov/dep/land/stormwater/stormwaterbmps/#manual>)

In determining the appropriate stormwater management requirements for peak runoff rate quantity and runoff quality treatment for a proposed parking lot or facilities, the following shall apply:

- a. All projects subject to site plan review shall conform to the minimum standards as outlined in Article 9, Section X of the Raymond Land Use Code: Stormwater Quality and Phosphorus Control.
- b. In addition to the minimum standards in Article 9, Section X, all Parking Areas shall provide treatment through practices involving buffers, infiltration measures, wet pond construction, or engineered design, in such a manner as to treat at least 50% of the runoff from impervious surface proposed by the development.

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6. Off-Site Parking Lots shall be allowed if they are within 300 feet of the lot containing the associated permitted use as measured from the centerline of that lot's driveway entrance to the centerline of the driveway entrance of the Off-Site Parking Lot. All Off-Site Parking Lots shall meet the following additional requirements:
 - a. A safe sight distance must exist between the two primary entrances such that vehicles are visible from each site in a direct line of vision, or adequate way finding signs are provided.
 - b. Safe pedestrian connectivity is provided by sidewalks, delineated paths or trails for pedestrian traffic must meet ADA standards.
 - c. The design shall contain adequate traffic control devices to allow for safe pedestrian crossing of roads, streets, and ways, that are either public or private, where off-site parking is provided on the opposite side of the street from the associated permitted use.
 - d. No off-site parking shall be allowed on an opposite side of Route 302.
 - e. All pedestrian crossings and new entrances for Off-Site Parking Lots on State Highways or Roads shall require approval from the State of Maine Department of Transportation for location and design prior to Planning Board approval.
7. An applicant proposing the use of Off-Site Parking Spaces shall demonstrate compliance with the following standards:
 - a. There shall be adequate parking spaces available to meet the parking needs of the permitted uses located on the lot or parcel in addition to the Off- Site Parking Spaces to be leased by the applicant.
 - b. The Off-Site Parking Spaces to be leased by the applicant shall be dedicated for use only by the applicant and shall not be leased to or utilized by other users.
8. An outdoor storage area for motor vehicles or enclosed garage or structure for storage of motor vehicles, which is the sole use of the lot or parcel, shall not be permitted unless the requirements of Section 6 above are met.

H. Roads and Driveways

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

1. Roads and driveways shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond or a river that flows to a great pond, and one hundred (100) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland

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edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be ~~to~~ no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland. On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent. This subsection shall apply neither to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational purposes. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

2. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland.
3. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District, the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection R.
5. Road and driveway grades shall be no greater than eight (8) percent.
6. A new driveway in any zone shall be constructed and maintained to prevent water or runoff from reaching the paved or traveled portion of the street. This standard shall not be subject to a waiver by the Planning Board or a variance by the Board of Appeals.
7. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow

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point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage, which is directed to an unscarified buffer strip, shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip. All cut or fill banks and areas of exposed mineral soil in the immediate vicinity of watercourses shall be revegetated or otherwise stabilized.

8. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
- a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

Grade Spacing	Percentage Grade	Feet
	0 – 2%	250
	3 – 5%	200 – 135
	6 – 10%	100 – 80
	11 – 15%	80 – 60
	16 – 20%	60 – 45
	21% +	40

- b. Drainage dips may be used in place of ditch relief culverts only where the grade is eight (8) percent or less.
- c. On sections having slopes greater than eight (8) percent, ditch relief culverts shall be placed at approximately a thirty- (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
- d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
9. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

I. Signs*

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential/Recreation I and Limited Residential/Recreation II Districts:

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1. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
2. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises.
3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
4. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
5. Signs relating to public safety shall be allowed without restriction.
6. No sign shall extend higher than twenty (20) feet above the ground.
7. Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff and Flood Protection

1. All new construction and development and related site improvements shall be designed, located, and constructed, both during their construction and as constructed, to minimize storm water runoff from the site in excess of the natural pre-development conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm water.
2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.
3. No development of any nature shall be permitted within Zones A or A1-A30 on the Flood Insurance rate Map unless the developer demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not raise the flood elevation more than one foot at any point in the community, or cause any detrimental impacts to downstream properties or receiving waters. A full analysis of the impact of the proposed development shall be undertaken by a Licensed Professional Engineer. The analysis shall, at a minimum, consider the following;
 - The impact of the development on downstream channel velocities and potential for erosion.
 - The capacity of receiving channels and structures.
 - Pre-development and post-development flood elevations.
 - The impact of any reduction in flood storage capacity.

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An engineering study shall be undertaken for all subdivisions proposed on land that falls within a flood zone, where the flood plain elevation has not been determined.

4. In the event that any alteration or relocation of a watercourse is proposed, before processing an application further, the Building Inspector shall notify any adjacent downstream communities, the Maine Department of Inland Fisheries and Wildlife, and the Maine Bureau of Civil Emergency Preparedness, with copies of such notices to the Federal Emergency Management Agency, of the proposed action, and such alteration or relocation shall be permitted only in a manner which will assure that the existing capability of the watercourse to carry a 100-year flood is maintained.

K. Septic Waste Disposal*

1. All plumbing shall be connected to public collection and treatment facilities when such facilities are available.
2. All subsurface sewage disposal systems shall be installed in conformance with the "State of Maine Subsurface Wastewater Disposal Rules" (Rules), Town regulations and the following:
 - a. clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland, and
 - b. a holding tank is not allowed for a first-time residential use in the shoreland zone.

Note: The State's Rules require that the minimum setback for new subsurface sewage disposal systems, shall be no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body.

3. Where daily sewage flow exceeds 2,000 gallons, the minimum setback for new subsurface sewage disposal systems shall be 300 feet from the normal high-water line of a perennial water body.
4. The minimum setback distances from water bodies for all new subsurface sewage disposal systems shall not be reduced by variance.
5. Privies shall not be permitted in the Resource Protection, Stream Protection, Limited Residential/Recreation I and Limited Residential/Recreation II Districts.

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6. All development or construction within 250 horizontal feet of normal high water line of a perennial water body shall meet the requirements of the regulations adopted by the Portland Water District on June 3, 1988; these regulations are to be enforced by the Town of Raymond.

L. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
2. The installation of essential services, other than road-side distribution lines, is not permitted in the Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
3. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

M. Mineral Exploration and Extraction*

Mineral exploration within 250 feet of normal high water line of a lake, pond, stream, or other water body, or upland edge of a wetland to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Planning Board shall be required for mineral exploration, which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

1. A conditional use permit for mineral extraction in locations where permitted under the terms of the Raymond Land Use Ordinance must be obtained from the Board of Appeals in accordance with the provisions of said Ordinance, and provided that plans for the requested mineral extraction shall be specifically illustrated in the application for the conditional use.
2. A reclamation plan shall be filed with, and approved by, the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(4) below.
3. The plan review by the Planning Board and the Board of Appeals shall take into consideration the standards contained in this section and in Article 9, Section E of the Raymond Land Use Ordinance.

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4. No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond or a river flowing to a great pond, and within one hundred (100) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland.
5. Extraction operations shall be at least seventy-five (75) feet between the edge of the digging or quarrying activities and any property line. Extraction operations shall not be permitted within one hundred (100) feet, horizontal distance, of any property line, without written permission of the owner of such adjacent property.
6. The operation shall be shielded from surrounding property with adequate screening and shall create no disturbance of a water source. Appropriate fencing or landscaping shall be provided to screen the site of digging operations from any public right-of-way and from any dwelling within 250 feet of the property lines of the excavation site.
7. Specific plans shall be established to avoid hazards from excessive slopes or standing water.
8. Dust or other air pollutants shall be kept to a minimum by appropriate landscaping, paving, oiling, or fencing.
9. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed inoperative when less than one thousand (1,000) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - a. All debris, stumps, and similar material shall be removed for disposal in an approved location or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
 - b. The final graded slope shall be two and one half to one (2 1/2:1) slope or flatter.
 - c. Sufficient top soil or loam shall be retained to cover all disturbed land areas with a three (3) inch layer, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project. Such seeding and restoration shall be provided by the applicant.
10. In keeping with the purposes of these ordinance provisions, the Planning Board and Board of Appeals may impose such conditions as are necessary to minimize

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the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

1. All spreading or disposal of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the former Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond, or a river flowing to a great pond, or within one hundred (100) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
3. Agricultural activities involving tillage of soil in a Resource Protection District, or the tillage of soil greater than twenty thousand (20,000) square feet in surface area within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of these ordinance provisions.
4. There shall be no new disturbance of soil within one hundred (100) feet, horizontal distance, of the normal high-water line of any lake, pond, or other water bodies; nor within twenty-five feet, horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of these ordinance provisions and not in conformance with these provisions may be maintained.
5. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of any lake, pond, or other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the Planning Board.

O. Beach Construction

Beach construction on any great pond shall require a permit from the Department of Environmental Protection. Beach construction on any river, stream, or brook capable of floating watercraft shall require approval from the Department of Environmental Protection.

P. Timber Harvesting*

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1. Within the strip of land extending seventy-five (75) feet inland from the normal high-water line in a shoreland area zoned for resource protection abutting a great pond, there shall be no timber harvesting, except to remove safety hazards.
2. Except in areas as described in Paragraph 1 above, timber harvesting shall conform to the following provisions:
 - a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2« feet above the ground level on any lot in any ten (10) year period is permitted within two hundred-fifty (250) feet, horizontal distance, of the normal high water line of any great pond, river; within two hundred-fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream. In addition:
 - 1) Within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high- water mark of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and a well- distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - 2) At distances greater than one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water mark of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5,000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clear-cut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.
 - 3) Timber harvesting operations exceeding the 40 percent limitation in paragraph a. may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and is carried out in accordance with the purposes of shoreland zoning. The Planning Board shall notify the commissioner of each exception allowed.
 - b. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on

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the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.

- c. Timber harvesting equipment shall not use stream channels as travel routes except when:
 - 1) Surface waters are frozen; and
 - 2) The activity will not result in any ground disturbance.
- d. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- e. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- f. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten-(10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

P-1. Timber Harvesting – Statewide Standards

[Effective on effective date established in Section 4(B)]

- 1. **Shoreline integrity and sedimentation.** Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands occurs, such conditions must be corrected.

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- 2. Slash treatment.** Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or tributary stream, or the upland edge of a wetland. Section 15(O-1)(2) does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.
- a. Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.
 - b. Adjacent to great ponds, rivers and wetlands:
 - 1) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line or upland edge of a wetland; and
 - 2) Between 50 feet and 250 feet, horizontal distance, of the normal high-water line or upland edge of a wetland, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.
- 3. Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained.** This requirement may be satisfied by following one of the following three options:
- a. Option 1 (40% volume removal), as follows:
 - 1) Harvesting of no more than 40 percent of the total volume on each acre of trees 4.5 inches DBH or greater in any 10 year period is allowed. Volume may be considered to be equivalent to basal area;
 - 2) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
 - 3) Within 75 feet, horizontal distance, of the normal high-water line of rivers, streams, and great ponds, and within 75 feet, horizontal distance, of the upland edge of a wetland, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of total volume removal. Volume may be considered equivalent to basal area.

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b. Option 2 (60 square foot basal area retention), as follows:

- 1) The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4.5 inches DBH;
- 2) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
- 3) Within 75 feet, horizontal distance, of the normal high-water line of water bodies and within 75 feet, horizontal distance, of the upland edge of wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average basal area. Volume may be considered equivalent to basal area.

c. Option 3 (Outcome based), which requires: An alternative method proposed in an application, signed by a Licensed Forester or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation's Bureau of Forestry (Bureau) for review and approval, which provides equal or better protection of the shoreland area than this rule.

Landowners must designate on the Forest Operations Notification form required by 12 M.R.S.A. chapter 805, subchapter 5 which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities may not begin until the Bureau has approved the alternative method.

The Bureau may verify that adequate tree cover and a well-distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the harvest area.

4. **Skid trails, yards, and equipment operation.** This requirement applies to the construction, maintenance, and use of skid trails and yards in shoreland areas.

- a. Equipment used in timber harvesting and related activities shall not use river, stream or tributary stream channels as travel routes except when surface

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waters are frozen and snow covered, and the activity will not result in any ground disturbance.

- b. Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream, or wetland. Upon termination of their use, skid trails and yards must be stabilized.

- c. Setbacks:

- 1) Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any water body, tributary stream, or wetland. On slopes of 10 percent or greater, the setback for equipment operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent. Where slopes fall away from the resource, no increase in the 25-foot setback is required.
- 2) Where such setbacks are impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

- 5. **Land Management Roads.** Land management roads, including approaches to crossings of water bodies, tributary stream channels, and wetlands, ditches and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream or wetland. Surface water on or adjacent to water crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the setback requirements in Section 15(O-1)(7) of this rule.

- a. Land management roads and associated ditches, excavation, and fill must be set back at least:
 - 1) 100 feet, horizontal distance, from the normal high-water line of a great pond, river or wetland;
 - 2) 50 feet, horizontal distance, from the normal high-water line of streams; and

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- 3) 25 feet, horizontal distance, from the normal high-water line of tributary streams
- b. The minimum 100 foot setback specified in Section 15(O-1)(5)(a)(i) above may be reduced to no less than 50 feet, horizontal distance, and the 50 foot setback specified in Section 15(O-1)(5)(a)(ii) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- c. On slopes of 10 percent or greater, the land management road setback must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent.
- d. New land management roads are not allowed within the shoreland area along Significant River Segments as identified in 38 M.R.S.A. section 437, nor in a Resource Protection District, unless, prior to construction, the landowner or the landowner's designated agent makes a clear demonstration to the Planning Board's satisfaction that no reasonable alternative route exists outside the shoreland zone, and that the new road must be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.
- e. Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage structures shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the setback requirements in Section 15(O-1)(7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- f. Road closeout and discontinuance. Maintenance of the water control installations required in Section 15(O-1)(5)(e) must continue until use of the

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road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.

- g. Upgrading existing roads. Extension or enlargement of presently existing roads must conform to the provisions of Section 15(O-1). Any nonconforming existing road may continue to exist and to be maintained, as long as the nonconforming conditions are not made more nonconforming.
 - h. Exception. Extension or enlargement of presently existing roads need not conform to the setback requirements of Section 15(O-1)(5)(a) if, prior to extension or enlargement, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
 - i. Additional measures. In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.
6. **Crossings of waterbodies.** Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.
- a. Determination of flow. Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the 10 year and 25 year frequency water flows and thereby determining water crossing sizes as required in Section 15(O-1): The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.
 - b. Upgrading existing water crossings. Extension or enlargement of presently existing water crossings must conform to the provisions of Section 15(O-1). Any nonconforming existing water crossing may continue to exist and be maintained, as long as the nonconforming conditions are not made more

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nonconforming; however, any maintenance or repair work done below the normal high-water line must conform to the provisions of Section 15(O-1).

- c. Other Agency Permits. Any timber harvesting and related activities involving the design, construction, and maintenance of crossings on waterbodies other than a river, stream or tributary stream may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection, or the US Army Corps of Engineers.
- d. Any timber harvesting and related activities involving the design, construction, and maintenance of crossings of wetlands identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.
- e. Notice to Bureau of Forestry. Written notice of all water crossing construction maintenance, alteration and replacement activities in shoreland areas must be given to the Bureau prior to the commencement of such activities. Such notice must contain all information required by the Bureau, including:
 - 1) a map showing the location of all proposed permanent crossings;
 - 2) the GPS location of all proposed permanent crossings;
 - 3) for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and
 - 4) a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.
- f. Water crossing standards. All crossings of rivers require a bridge or culvert sized according to the requirements of Section 15(O-1)(6)(g)) below. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts provided:
 - 1) concentrated water runoff does not enter the stream or tributary stream;
 - 2) sedimentation of surface waters is reasonably avoided;
 - 3) there is no substantial disturbance of the bank, or stream or tributary stream channel;
 - 4) fish passage is not impeded; and,
 - 5) water flow is not unreasonably impeded.

Subject to Section 15(O-1)(6)(f)(i-v) above, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams are frozen and snow-covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary structures.

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- g. Bridge and Culvert Sizing. For crossings of river, stream and tributary stream channels with a bridge or culvert, the following requirements apply:
- 1) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows or with a cross-sectional area at least equal to 3 times the cross-sectional area of the river, stream, or tributary stream channel.
 - 2) Temporary bridge and culvert sizes may be smaller than provided in Section 15(O-1)(6)(g)(i) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed above the normal high-water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:
 - i. use of temporary skidder bridges;
 - ii. removing culverts prior to the onset of frozen ground conditions;
 - iii. using water bars in conjunction with culverts;
 - iv. using road dips in conjunction with culverts.
 - 3) Culverts utilized in river, stream and tributary stream crossings must:
 - i. be installed at or below river, stream or tributary stream bed elevation;
 - ii. be seated on firm ground;
 - iii. have soil compacted at least halfway up the side of the culvert;
 - iv. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
 - v. have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.
 - 4) River, stream and tributary stream crossings allowed under Section 15(O-1), but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a water crossing may be required to pass a 100-year flood event.
 - 5) Exception. Skid trail crossings of tributary streams within shoreland areas and wetlands adjacent to such streams may be undertaken in a manner

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not in conformity with the requirements of the foregoing subsections provided persons conducting such activities take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands occurs, such conditions must be corrected.

- h. Skid trail closeout. Upon completion of timber harvesting and related activities, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:
 - 1) Bridges and culverts installed for river, stream and tributary stream crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for land management roads in Section 15(O-1)(6)(i) below.
 - 2) Water crossing structures that are not bridges or culverts must either be removed immediately following timber harvesting and related activities, or, if frozen into the river, stream or tributary stream bed or bank, as soon as practical after snowmelt.
 - 3) River, stream and tributary stream channels, banks and approaches to crossings of water bodies and tributary streams must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow-covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- i. Land management road closeout. Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:
 - 1) Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.
 - 2) Water crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream.

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- 3) Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:
- i. it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
 - ii. it shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the river, stream or tributary stream channel; or
 - iii. it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream or tributary stream.

If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

7. Slope Table

Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in Section 15(O-1), but in no case shall be less than shown in the following table.

Average slope of land between exposed mineral soil and the shoreline (percent)	Width of strip between exposed mineral soil and shoreline (feet along surface of the ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

8. **Definitions.** Unless otherwise provided herein, this Section P-1 incorporates by reference the definitions contained in the Maine Forest Service Rules Chapter 20, "Forest Regeneration and Clearcutting Standards", and Chapter 21, "Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas."

Q. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

1. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees as described in Section Q.

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Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

2. Except in areas as described in Paragraph 1, above, within a strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond or a river flowing to a great pond, or within a strip extending one hundred (100) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
 - a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/ or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.
 - b. Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of this section a "well-distributed stand of trees " adjacent to a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25 foot by 50 foot rectangular (1,250 square feet) area as determined by the following rating system.

Tree at 4« feet Above Ground Level (diameter in inches)	Points
2 - <4 inches	1
4 - <8 inches	2
8 - < 12 inches	4
12 inches or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area. Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4«1/2 feet above ground level may be removed in any ten (10) year period.

The following shall govern in applying this point system:

- 1) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

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- 2) Each successive plot must be adjacent to, but not overlap a previous plot;
- 3) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- 4) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
- 5) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(Q)(2)(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

- c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and forest duff layer, shall not be cut, covered or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.
- d. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- e. In order to maintain a buffer strip of vegetation, when the removal of dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section R below, unless existing new tree growth is present. A determination about the condition of any such dead or hazard trees shall be made by a certified forester or the CEO, prior to the removal of said trees.
- f. In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 15(P)(2).

Section 15(Q)(2) above does not apply to those portions of public recreational facilities adjacent to public swimming areas As long as cleared areas are limited to the minimum area necessary.

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3. At distances greater than one hundred (100) feet, horizontal distance, from the normal high-water line of any lake, pond, river flowing to a great pond, and any other water body, tributary stream, or the upland edge of a wetland, , there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4« feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty- (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area. In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously developed or cleared. This provision applies to the portion of a lot within the shoreland zone, including the buffer area.
4. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged or have chemical applied, except as allowed by these ordinance provisions.
5. Fields, and other cleared openings which have reverted primarily to shrubs, trees, or other woody vegetation, shall be regulated under the provisions of Section 15(Q).

R. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

1. Hazard trees in the shoreland zone may be removed without a permit after consultation with the CEO if the following requirements are met:
 - a. Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.
 - b. Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the

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hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

- c. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those that contain no foliage during the growing season.
 - d. The CEO may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
 - e. The CEO may require more than one for one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.
2. Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
- a. Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
 - 1) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
 - 2) Stumps from the storm-damaged trees may not be removed;
 - 3) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and
 - 4) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.
 - b. Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten

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(10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

S. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

1. The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(P) apply;
2. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;
3. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
4. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(N) are complied with;
5. The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:
 - a. A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.
6. The removal of non-native, invasive vegetation species, provided the following minimum requirements are met:

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- a. If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
 - b. Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
 - c. If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.
7. The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

T. Revegetation Requirements.

When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P), to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

1. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
2. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:
3. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

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4. Revegetation activities must meet the following requirements for trees and saplings:
 - a. All trees and saplings removed must be replaced with native noninvasive species;
 - b. Replacement vegetation must at a minimum consist of saplings;
 - c. If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
 - d. No one species shall make up 50% or more of the number of trees and saplings planted;
 - e. If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
 - f. A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.
5. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:
 - a. All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
 - b. Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - c. If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
 - d. No one species shall make up 50% or more of the number of planted woody vegetation plants; and
 - e. Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years
6. Revegetation activities must meet the following requirements for ground vegetation and ground cover:

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- a. All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
- b. Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
- c. Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

U. Erosion and Sedimentation Control

- 1. Filling, grading, lagooning, dredging, earth moving, and other land use activities shall be conducted in such a manner to prevent erosion and sedimentation of surface waters to the maximum extent practical. All activities, which result in unstabilized soil conditions and which require a permit shall be developed in accordance with a Erosion and Sedimentation Control Plan prepared in conformance with the requirements of "*Maine Erosion Control BMPS, Bureau of Land and Water Quality Maine Department of Environmental Protection*", March 2003, and subsequent revisions thereof.
- 2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- 3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- 4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

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- b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
 - d. Additional winter construction requirements as prescribed by "*Maine Erosion and Sediment Control Best Management Practices*", latest revision, prepared by the Maine Department of Environmental Protection, shall be adhered to as appropriate.
5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

V. Soils*

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data, which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

W. Water Quality*

No activity shall store, deposit on or into the ground, discharge, or permit the discharge into the waters of the State of any treated, untreated or inadequately treated liquid, gaseous, solid material, or pollutant of such nature, quantity, obnoxiousness, toxicity, or temperature, such that, by itself or in combination with other activities or substances, it will run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, harm, or impair designated uses or the water classification of such water bodies, tributary stream or wetland, or cause nuisance, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

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X. Archaeological Sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

V. Public Boat Launch Facility and Associated Parking Areas

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
2. The Public Boat Launching Facility shall be located so as to minimize adverse effects on fisheries.
3. Boat launch width shall be minimized to the greatest extent possible and the applicant shall provide evidence or information supporting the design width. This provision is not intended to prohibit multiple launching ramps at a single facility.
4. Applicants for the construction of a Public Boat Launching Facility and associated structures shall obtain all necessary permits from the Maine Department of Environmental Protection (Maine DEP).
5. One Public Boat Launching Facility shall be allowed at any Great Pond. Planning Board approval is required for any applications proposing a second launch to any Great Pond. The Planning Board shall also be responsible for determining the appropriate separation between a proposed Public Boat Launching Facility and any existing boat launch facilities.
6. The site plan design shall include a signage plan for the posting of rules and regulations regarding usage, invasive species, circulation of vehicles, and parking on the site.
7. The design shall include a boat launch inspection and cleaning area designed for inspecting and cleaning of watercraft and trailers, and include facilities for the proper disposal of aquatic invasive species.
8. The owner of the facility shall provide a maintenance and operations plan subject to review annually by the CEO.
9. The Public Boat Launching Facility shall include sanitary facilities and trash receptacles.

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10. Public Boat Launching Facilities shall be designed to provide adequate security or public visibility to access and ramp areas to discourage loitering, trespassing, or vagrancy of individuals, or groups, and insure safety of the site following normal hours of usage.
11. No routine maintenance or repairs of watercraft shall be allowed at the boat launch facilities.
12. The boat launch access entrance from any road having regular vehicular traffic shall be designed to address safe sight distance and promote safe traffic and pedestrian movements.
13. The property shall maintain at least a 25 foot natural buffer strip of vegetation from any adjacent residentially zoned properties. When a natural buffer strip of vegetation does not exist, a landscaped buffer strip shall be planted with approval of a planting plan by the Planning Board.
14. The boat launch ramp shall be constructed of a low permeable inert material such as, but not limited to concrete, asphalt, or other solid construction material to discourage soil erosion or vehicle tracking. Materials shall be installed that will not degrade water quality, will promote protection from erosion or sedimentation, and will not leach, weep or cause contamination from preservatives, treatments, or other chemical pollutants due to their composition or by applied treatments placed on their surfaces. Gravel, crushed stone, or other compacted soil aggregate materials shall not be used for construction of the portion of the launch ramp subject to contact by a towing vehicle, trailer, or other device to transport watercraft to and from the access road the ramp's lowest submerged depth.

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SECTION 16 ADMINISTRATION

SECTION 16. ADMINISTRATION

A. Administering Bodies and Agents

1. Code Enforcement Officer - The Code Enforcement Officer shall be appointed or re-appointed annually by July 1st.
2. Board of Appeals - The Board of Appeals shall be maintained in accordance with the provisions of 30-A M.R.S.A. section 2691.
3. Planning Board - The Planning Board shall be maintained in accordance with the provisions of State law.

B. Permits Required

After the effective date of these ordinance provisions no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued non-conforming use. A person who is issued a permit pursuant to these ordinance provisions shall have a copy of the permit on site while the work authorized by the permit is performed.

1. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
2. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
2. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

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4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.
5. When an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.

D. Procedure for Administering Permits

Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of these ordinance provisions.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of these ordinance provisions.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

1. Will maintain safe and healthful conditions.

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SECTION 16 ADMINISTRATION

2. Will not result in water pollution, erosion, or sedimentation to surface waters.
3. Will adequately provide for the disposal of all wastewater.
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters.
6. Will protect archaeological and historic resources as designated in the comprehensive plan.
7. Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district.
8. Will avoid problems associated with flood plain development and use.
9. Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or statute administered by the municipality.

E. Expiration of Permit

Permits shall expire one year from the date of issuance, if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

F. Installation of Public Utility Service

No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate Town officials. Following installation of service, the company or district shall forward the written authorization to the appropriate Town officials, indicating that installation has been completed.

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SECTION 16 ADMINISTRATION

G. Appeals

Appeals from decisions under the Shoreland Zoning provisions and variances from the Shoreland Zoning provisions are governed by the appeals and variance procedures contained in the Shoreland Zoning provisions and are not governed by Article 6 of the Land Use Ordinance.

1. **Powers and Duties of the Board of Appeals** - The Board of Appeals shall have the following powers:
 - a. Administrative Appeals: To hear and decide appeals, on a de novo basis, where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the enforcement or administration of these ordinance provisions.
 - b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in these ordinance provisions.
 - c. The Board of Appeals shall not have the authority to review decisions of the Planning Board. Decisions by the Planning Board shall be appealed directly to Superior Court.
2. **Variance Appeals** - Variances may be granted only under the following conditions:
 - a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
 - b. Variances shall not be granted for establishment of any uses otherwise prohibited by these ordinance provisions.
 - c. The Board shall not grant a variance unless it finds that:
 - 1) The proposed structure or use would meet the provisions of Section 15 after for the specific provision which has created the non-conformity and from which relief is sought; and
 - 2) The strict application of the terms of these ordinance provisions would result in undue hardship. The term "undue hardship" shall mean:
 - i. that the land in question cannot yield a reasonable return unless a variance is granted;

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- ii. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - iii. that the granting of a variance will not alter the essential character of the locality; and
 - iv. that the hardship is not the result of action taken by the applicant or a prior owner.
- d. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of these ordinance provisions to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- e. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
- f. The Board of Appeals may grant reductions from the minimum setback requirements set forth in Section 15 (A) of these provisions according to all of the following criteria:
 - 1) Setback reduction appeals are only available to reduce the minimum requirements for setbacks of structures from lot boundary lines. Setback reduction appeals shall not be used, and are not available from bodies of water as provided in these provisions.
 - 2) Setback reduction appeals may only be granted and are only available for lots with a residential dwelling as the principal structure.
 - 3) The Board of Appeals may grant a setback reduction appeal if the Board finds that granting the setback reduction will not result in unreasonable interference with the privacy interests of the abutting landowners.
 - 4) In granting a setback reduction the Board of Appeals may attach reasonable conditions, which it may deem necessary to serve the purposes of these provisions.
 - 5) A setback reduction appeal shall not be granted to enable construction or renovation that will create additional dwelling units.

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- 6) A setback reduction appeal shall not be granted to enable construction or renovation that will result in more than one garage on the lot that is the subject of the appeal.
- 7) No setback reduction appeal may be granted that will result in impervious surface lot coverage of greater than 15%.
- 8) Setback reduction appeals may only be granted the minimum extent necessary to accomplish the purpose of the appeal. Setbacks may not be reduced by setback reduction appeal to less than the following absolute minimum setbacks:

Front Yard	15 feet
Side Yard	10 feet
Rear Yard	15 feet
- g. The Code Enforcement Officer may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The CEO shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The CEO may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

3. Appeal Procedure

- a. Making an Appeal
 - 1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty- (30) day requirement.
 - 2) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal, which includes:
 - i. A concise written statement indicating what relief is requested and why it should be granted.

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- ii. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
 - 3) Upon being notified of an appeal, the Code Enforcement Officer shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
 - 4) The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.
- b. Decision by Board of Appeals
- 1) A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
 - 2) When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At that time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity, the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.
 - 3) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under these ordinance provisions, or to affect any variation in the application of these ordinance provisions from its stated terms.
 - 4) The person filing the appeal shall have the burden of proof.
 - 5) The Board shall decide all appeals within thirty-five (35) days after the close of the hearing and shall issue a written decision on all appeals.
 - 6) All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.
4. **Appeal to Superior Court** - Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of the vote on the original decision.

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5. **Reconsideration** - The Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the date of the vote on the original decision. The Board may conduct additional hearings and receive additional evidence and testimony.

H. Enforcement

1. **Nuisances** - Any violation of these ordinance provisions shall be deemed to be a nuisance.
2. **Code Enforcement Officer**
 - a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of these ordinance provisions. If the Code Enforcement Officer shall find that any provision of these ordinance provisions is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
 - b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of these ordinance provisions.
 - c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis beginning in 1992, a summary of this record shall be submitted by March 1 to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.
3. **Legal Actions** - When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of these ordinance provisions in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of

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eliminating violations of these ordinance provisions and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. **Fines** - Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A., section 4452.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTIONS 17 Definitions

SECTION 17. DEFINITIONS

Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular. The word "shall" is always mandatory. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The word "lot" includes the word "plot" or "parcel." The words "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged, or designed to be used or occupied."

Except as specifically defined herein, all words in these Shoreland Zoning provisions shall carry their customary dictionary meanings, unless specifically defined in these Shoreland Zoning provisions or in other provisions of the Raymond Land Use Ordinance. If there are conflicting definitions in these Shoreland Zoning provisions and in other provisions of the Raymond Land Use Ordinance the definition in these Shoreland Zoning provisions shall be used when defining terms in the Shoreland Zoning provisions. When defining terms in other provisions of the Land Use Ordinance, the definitions in these Shoreland Zoning provisions shall not apply.

Accessory structure or use - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Accessory Apartment- a separate dwelling unit of no more than 700 square feet, either attached or detached and located on the same parcel with a single family dwelling. The apartment shall contain a kitchen and bathroom which are separate from and not used in common with the principal dwelling unit.

Aggrieved party - an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture - the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green-house products. Agriculture does not include forest management and timber harvesting activities.

Aquaculture - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Basal Area - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

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SECTIONS 17 Definitions

Basement - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Boat Launching Facility - a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Boat Trailer - A vehicle designed to transport boats and other water-related recreational apparatus.

Bureau of Forestry – State of Maine Department of Agriculture, Conservation, and Forestry's Bureau of Forestry

Campground - any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy – the more or less continuous cover formed by tree crowns in a wooded area.

Commercial use - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Cross-sectional area – the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

Cupola – a non-habitable building feature mounted on a building roof for observation purposes, with a floor area of 53 square feet or less, and does not increase the existing height of the structure by more than 7 feet.

DBH – the diameter of a standing tree measured 4.5 feet from ground level.

Development – a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Dimensional requirements - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disability - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

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Disruption of shoreline integrity - the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

Driveway – Access route or right-of-way to any single family dwelling, duplex, or multifamily building if so allowed in a zone, except where such buildings are developed as part of a larger subdivision. For other allowed non-residential uses, the term shall mean any primary access route used for vehicular ingress, or egress from a location off a public or private right-of-way. All non-residential and multifamily dwelling driveways shall conform to the applicable design requirements as provided in **Article 10-Site Plan Review, F. Performance Standards.**

Emergency operations - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Essential services - gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Expansion of a structure - an increase in footprint of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

Expansion of use - the addition of one or more months to a use's operating season; or the use of more footprint or ground area devoted to a particular use.

Family - one or more persons occupying a premises and living as a single housekeeping unit.

Floodway - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Floor area - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

Footprint - the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

Forest management activities - timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated

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activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

Forest Stand - a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

Foundation - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreland structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

Great pond - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner,

Great pond classified GPA - any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Ground cover – small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Harvest Area - the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

Hazard tree – a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if

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the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

Height of structure – The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Home occupation - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Increase in nonconformity of a structure - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Industrial - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Institutional – a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Land Management Road - a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Licensed Forester - a forester licensed under 32 M.R.S.A. Chapter 76.

Lot area - The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Marina - a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair

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and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

Market value - the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mineral exploration - hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Minimum lot width - the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Multi-unit residential - a residential structure containing three (3) or more residential dwelling units.

Native – indigenous to the local forests.

Non-conforming condition – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-conforming lot - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming structure - a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use - use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-native invasive species of vegetation – species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

Normal high-water line - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water

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level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Parking Definitions:

Parking Area – An outdoor storage area for motor vehicles that is not located on a street right of way.

Off-Site Parking Lot – An outdoor storage area for motor vehicles that is located on a parcel or lot owned by a person or entity that is the same as the owner or lessor of the parcel or lot upon which the permitted use associated with the parking is located.

Off-Site Parking Space – A parking space within a Parking Area that is located on a parcel or lot owned by a person or entity other than the owner or lessor of the parcel or lot upon which the permitted use associated with the parking space is located.

Person - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Personal campsite - An area of land that is not associated with a campground, but which: (a) provides temporary accommodation for campers in a recreational vehicle, trailer or tent; (b) is developed for repeated camping by only one group not to exceed ten (10) individuals; and (c) is used exclusively by the owner of the property and his/her immediate family. A personal campsite may involve site improvements that may include but not be limited to gravel pads, parking areas, fireplaces, or tent platforms.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland.

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure – a structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

Principal use - a use other than one which is wholly incidental or accessory to another use on the same lot.

Public Boat Launching Facility - shall mean any facility made accessible for use by the general public and owned or operated by the Town of Raymond or the State of Maine, and designed for the launching and landing of watercraft. The facility may include an access ramp, docking area, and parking spaces designed to accommodate vehicles and trailers.

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Public facility - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent Flood Plain Soils - Recent flood plain soils include the following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial Cornish Charles Fryeburg Hadley Limerick Lovewell Medomak Ondawa Podunk Rumney Saco Suncook Sunday Winooski

Recreational facility - a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational vehicle - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Residual basal area - the average of the basal area of trees remaining on a harvested site.

Residual Stand - a stand of trees remaining in the forest following timber harvesting and related activities.

Riprap - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River - A free-flowing body of water including its associated floodplain and wetlands from that point at which it provides drainage for a watershed of twenty-five (25) miles to its mouth. According to State of Maine information, the only river meeting the definition of a "river" is Panther Run.

Road - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Sapling - a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

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Secondary Access - Access routes, paths, or ways whose function is to serve a permitted use on a lot for the purpose of emergency response, or maintenance service, or any other non-primary function to serve the lot. Such secondary access shall not meet the requirements or definition of a driveway.

Seedling - a young tree species that is less than four and one half (4.5) feet in height above ground level.

Service drop - any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service
 - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - b. the total length of the extension is less than one thousand (1,000) feet.
2. in the case of telephone service
 - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
 - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback - the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland Buffer Strip – a preserved vegetative strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond or river flowing to a great pond or within a strip extending one hundred (100) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland.

Shoreland zone - The land area located within six hundred (600) feet, horizontal distance, of the normal high water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of freshwater wetland; within one hundred (100) feet, horizontal distance, of the normal high water line of a stream; or within an area designated on the Official Raymond Land Use Map as a Resource Protection, Stream Protection, Limited Residential/Recreation I, or Limited Residential/Recreation II district.

Shoreline – the normal high-water line, or upland edge of a wetland.

Skid Road or Skid Trail - a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash - the residue, e.g., treetops and branches, left on the ground after a timber harvest.

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Storm-damaged tree – a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

Stream - A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent, highest resolution version of the national hydrography dataset available from the United States Geological Survey to the point where the stream becomes a river or where a stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

Outlet stream - any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

Tributary stream – means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Structure – anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and their aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

Substantial start - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system – any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system..

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Sustained slope - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber harvesting - the cutting and removal of timber for the primary purpose of selling or processing forest products. "Timber harvesting" does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

Timber harvesting and related activities - timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

Tree - a woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

NOTE: Water setback requirements apply to tributary streams within the shoreland zone.

Upland edge of a wetland - the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

Vegetation - all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

Volume of a structure - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body - any great pond, river or stream.

Water crossing - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland - A freshwater wetland. A forested wetland shall not be considered to be a wetland for the purposes of these shoreland zoning ordinance provisions.

Forested wetland - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

Freshwater wetland - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook,

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such that in a natural state, the combined surface area is in excess of 10 acres; and

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Windfirm - the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

Woody Vegetation - live trees or woody, non-herbaceous shrubs.



Street Ordinance

TOWN OF RAYMOND

ADOPTED MAY 18, 2002
WITH AMENDMENTS ADOPTED

May 17, 2003

June 7, 2011

June 4, 2013

June 3, 2015

RAYMOND PLANNING BOARD

RAYMOND, MAINE

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Appendix

1. Purpose

The purpose of this ordinance is to promote public health, safety and welfare for the residents of the Town of Raymond by establishing construction standards for public ways, public easements (formerly private ways) and private roads including but not limited to streets, roads, lanes, alleys, et al, hereinafter called "street", and back lot driveways.

2. Administration and Effective Date

2.1 Administration: This ordinance shall be administered by the Planning Board, hereinafter called the "Board".

2.2 Effective Date: The effective date of this ordinance shall be May 18, 2002.

3. Applicability

3.1 New Construction: This ordinance shall apply to the construction and lengthening of all streets within the Town. A street may be accepted by the Town of Raymond only if it fully meets the design standards for public streets in Section 5 of this Ordinance. A back lot driveway need only meet the requirements of Sections 4.8 and 5.5.

3.2 Alterations: Alterations, widening and improvements shall be consistent with Section 5 of this Ordinance.

4. Application Procedures

Prior to the construction or lengthening of any street, an application shall be submitted to the Board at least 21 days prior to a scheduled meeting of the Board. The application shall include the following information:

4.1 Submission Requirements

- A. Names of applicants, owners of land for the location of the proposed street or, in the event of an existing street, the name of the existing street.
- B. A statement of any legal encumbrances on the land for the location of the proposed street.
- C. The anticipated starting and completion dates of each major phase of construction.
- D. A statement indicating the nature and volume of traffic anticipated on an average daily basis.

4.2 Plans

Detailed construction drawings shall be submitted showing a plan view of existing streets within 300 feet of any proposed intersection and profiles and typical cross-sections of the proposed streets. The plans shall include the following information:

- A. Date, scale and magnetic or true north point.
- B. Intersections of the proposed street with existing streets.
- C. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks and curbs.
- D. Kind, size, location, material, profile and cross-section of all existing and proposed drainage pipes, culverts, structures and their location with respect to the existing natural waterways and proposed drainage ways. Such structures shall be designed and sized in accordance with a stormwater management plan prepared by a registered professional engineer and shall meet the minimum stormwater design and construction standards of Article 9, section 14 of the Subdivision Regulations.
- E. Complete curve data shall be indicated for all horizontal and vertical curves.
- F. Turning radii at all intersections.
- G. Centerline gradients.
- H. Locations of all existing and proposed overhead and underground utilities including, but not limited to, water, sewer, electricity, telephone, lighting and cable television.
- I. Kind, size, location, profile and cross-section of all existing and proposed drainage ways and structures and their relationship to existing structures.
- J. A soil erosion and sedimentation control plan in conformance with the requirements of Article 5, section 2.B.17 of the Subdivision Regulations.
- K. For streets to be located within the watershed of a great pond, a phosphorous impact plan as further described in Article 9, section 14 of the Subdivision Regulations.
- L. For a new private street, or the expansion of an existing street that is to remain private, the application shall include a plan setting forth how the street and associated drainage structures and required buffers and stormwater management facilities are to be maintained. Responsibility for street maintenance may be assigned to a lot owners association or to lot owners in common through provisions included in the deeds for all lots that utilize the private street for access. The applicant shall submit appropriate legal documentation such as proposed homeowners association documents or proposed deed covenants for Board review. This documentation must address specific maintenance activities such as summer

Town of Raymond Street Ordinance
Adopted May 18, 2002, amended through June 3, 2015

and winter maintenance, long-term improvements and emergency repairs and include a mechanism to generate funds to pay for such work. The documentation shall be notarized and referenced on the approved plans. *[Amended 06/03/15]*

4.3 Municipal Review

Upon receipt of plans for a proposed street or lengthening of an existing street, the Board shall forward copies to the Public Works Director and the Town's consulting engineer, if any, for review and comment. For proposed public streets or for lengthening of existing public streets, a copy shall be forwarded to the Board of Selectmen. Where the subdivider proposes alterations within existing public streets, the proposed design and construction details shall be approved in writing by the Public Works Director or the Maine Department of Transportation (MDOT), as appropriate. If the existing public right-of-way is less than 50 feet, the improved right-of-way shall include easements widened to a minimum of 50 feet at the expense of the applicant.

4.4 Street Within a Proposed Subdivision

Plans for a street proposed as part of a subdivision as defined in the Subdivision Regulations, shall be submitted to the Board as an integral part of the subdivision application. The subdivision application and plans shall conform to the full provisions of this Ordinance and the Subdivision Regulations.

4.5 Application Fee

The fee schedule for review of plans for a new street or an alteration to an existing street shall be established by the Board of Selectmen.

4.6 Application Review

The schedule for review of a proposed public or private street or lengthening of an existing public or private street proposed as part of a subdivision shall be as described in the Subdivision Regulations. For all other proposed streets or lengthening of existing streets, the following shall apply.

- A. Complete Application. Within 30 days from the date of receipt of an application, the Board shall notify the applicant in writing that either the application is complete or, if incomplete, the specific additional material needed to make it complete. A determination by the Board that the application is complete in no way commits or binds the Board as to the adequacy of the application to meet the requirements of this Ordinance.
- B. Application Approval. Within 30 days of a Public Hearing, or within 60 days of having received the complete application, or within such other time limit as may be mutually agreed to, the Board shall grant or deny approval on such terms and conditions as it may deem advisable to satisfy this Ordinance and to preserve the public health, safety and welfare. In all instances, the burden of proof shall rest upon the applicant. In issuing its decision, the Board shall make a written finding of

fact establishing that the application does or does not meet the provisions of this Ordinance.

- C. **Public Hearing.** The Board may hold a Public Hearing within 30 days of having notified the applicant in writing that a complete application has been received and shall cause notice of the date, time and place of such hearing to be given to the applicant and all property owners abutting the proposed street, to be published in a newspaper of general circulation in the Town of Raymond at least 7 days prior to the hearing.

4.7 Acceptance of Public Street

Approval by the Board of a proposed public street shall not be deemed to constitute or be evidence of acceptance by the Town of said street. Acceptance of a street as public shall be by affirmative vote at a Town Meeting.

4.8 Back Lot Driveways

- A. **Reviewing Authority.** The Reviewing Authority is defined as the Code Enforcement Officer (CEO) or Planning Board. The CEO may grant permit approval under the provisions of this section, however Planning Board permit approval shall be required for any application seeking a waiver of any submission requirements or any criteria of this section which are allowed to be waived. The CEO may require that any application be reviewed for approval by the Planning Board if, in the opinion of the CEO, the staff review is unable to adequately resolve all relevant issues raised by the Back Lot Driveway application.
- B. A back lot driveway shall not be constructed without prior approval from the Reviewing Authority. The applicant shall submit plans to the Reviewing Authority at least 21 days prior to a scheduled meeting of the Board if the application is referred by the Code Enforcement Officer for Planning Board approval. The fee schedule for review of plans for a back lot driveway shall be established by the Board of Selectmen. The Reviewing Authority must ensure that the Back Lot Driveway application submission requirements and criteria in Article 9, Section T of the Town of Raymond Land Use Ordinance are satisfied before approving any application.
- C. Upon receipt of plans for a proposed back lot driveway, the Code Enforcement Officer shall determine whether the application is complete. If the application is determine to be complete, the Code Enforcement Officer shall decide either to review the application for approval or schedule it for review by the Board at the next regularly scheduled meeting.
- D. The Reviewing Authority shall review the application and determine whether it complies with the requirements of Sections 4.8 and 5.5 of this Ordinance as well as all other applicable ordinances of the Town of Raymond. The Reviewing Authority shall grant or deny approval on such terms and conditions, as it may deem advisable to satisfy all applicable ordinances. In all instances, the burden of proof shall rest upon the applicant. In issuing its decision, the Reviewing Authority shall make a

written finding of fact establishing that the application does or does not meet the provisions of applicable ordinances. The Board shall sign the approved plan, which shall be recorded within 30 days of approval in the Cumberland County Registry of Deeds.

- E. Public Hearing. If the Board is acting as the Reviewing Authority and determines that due to site conditions, proximity of nearby uses, traffic conditions or similar circumstances that a public hearing is advisable, the Board may schedule a public hearing at its next regularly scheduled meeting. The Board shall cause notice of the date, time and place of such hearing to be given to the applicant and all property owners abutting the proposed street and lots that are to be accessed by the backlot driveway, to be published in a newspaper of general circulation in the Town of Raymond at least 7 days prior to the hearing.
- F. Should an applicant propose that a back lot driveway serve more than two back lots, such driveway must be improved to fully comply with the requirements for a private street.

5. Street Design Standards

These design standards shall be met by all proposed streets and alterations to existing streets.

5.1 Through Traffic

Streets shall be designed to discourage through traffic on minor streets within a subdivision.

5.2 Reserved

5.3 Existing Narrow Streets

Where a subdivision borders an existing narrow street not meeting the width standards of this Ordinance or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land of a subdivision, the plan shall indicate reserve areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes". Land reserved for such purposes may not be included in computing lot area or setback requirements of the Zoning Ordinance. When such widening or realignment is indicated on the Official Map, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the municipality or State.

5.4 Two Street Connections

Any proposed street or lengthening or alteration to an existing street which, on the basis of a specific development proposal or on the basis of available road frontage, could generate more than 200 vehicle trips per day shall have at least two street connections with existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted. The applicant may agree

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in writing, subject to Board approval, to limit development to less than 200 vehicle trips per day until such time as a second street connection is developed. For purposes of computing vehicle trips per day, the applicant shall use the latest edition of Trip Generation published by the Institute of Transportation Engineers.

5.5 Street Design Standards (amended 5-17-03)

- A. The following standards apply to new public and private streets, as well as back lot driveways (see Appendix A for illustration of typical street sections by type of street):

Description	Type of Street				
	Arterial	Collector	Minor Street	Private Street ⁽¹⁾	Back Lot Driveway
Minimum Right-of way Width	80'	60'	50'	50'	50' ⁽²⁾
Minimum Travel Way Width	44'	22'	20'	18'	12'
Sidewalk Width	N/A	N/A	N/A	N/A	N/A
Minimum Grade	.5%	.5%	.5%	.5%	N/A
Maximum Grade	5%	6%	8%	10%	12%
Minimum Centerline Radius	500'	230'	150'	150'	N/A
Minimum Tangent between Curves of reverse alignment	200'	100'	50'	N/A	N/A
Roadway Crown	¼"/ft	¼"/ft	¼"/ft	¼"/ft	N/A
Minimum Angle of Street Intersections(2)	90°	90°	75°	75°	75°
Maximum Grade within 75 ft. of Intersection 2%	2%	2%	2%	N/A	N/A
Minimum Curb Radii at Intersections	30'	20'	15'	15'	N/A
Minimum ROW Radii at Intersections	20'	10'	10'	10'	10'
Minimum Width of Shoulders (each side)	5'	5'	5'	3'	1'

1. A private street which will serve fewer than 4 residences shall have a minimum travel way of 12 feet with two-2 foot shoulders and a maximum grade of 12% (3% for the first 50 ft).. A private street which will serve 4-10 residences will have a minimum travel way of 16 feet with two 3-foot shoulders and a maximum road grade of 12%.
2. Street intersection angles shall be as close to 90° as feasible but no less than the listed angle.
3. Unless a right-of-way of lesser width is approved by the Reviewing Authority pursuant to Article 9, Section T.1 of the Land Use Ordinance

5.6 Reserved

5.7 Dead End Streets

In addition to the design standards above, the design of the turn-around for dead end streets proposed as public ways shall be approved by the Director of Public Works. The Board may require the reservation of a 20-foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a 50-foot easement in line with the street to provide continuation of the road where future subdivision is possible.

5.8 Grades, Intersections and Sight Distances

- A. Grades of all streets shall conform in general to the terrain so that cut and fill are minimized while maintaining the grade standards above.

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- B. All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the street design speed.

Design Speed (mph)	20	25	30	35
Stopping Sight Distance (ft)	125	150	200	250

Stopping sight distance shall be calculated with a height of eye at 3½ feet and the height of object at 4½ foot.

- C. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curbline or edge of pavement, with the height of the eye 3½ feet, to the top of an object 4½ feet above the pavement. Required sight distances may be reduced upon recommendation of the Public Works Director if he determines that the reduction will not significantly impact public safety, the sight distance is maximized to the greatest extent possible, and there is no feasible alternative location. In making this determination the Public Works Director may consult the Maine Department of Transportation.

Posted Speed Limit (mph)	25	30	35	40	45	50
Sight Distance (ft)	250	300	350	400	450	500

Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

- D. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important intersections. A minimum distance of 200 feet shall be maintained between centerlines of side streets.

5.9 Sidewalks

If sidewalks exist on the project site or adjacent properties or if significant pedestrian traffic is present or anticipated in the future, the Planning Board may require the installation of sidewalks that meet the following minimum requirements:

- A. Bituminous Sidewalks. The crushed aggregate base course shall be no less than 8 inches thick. The hot bituminous pavement surface course shall be no less than 2 inches after compaction.

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- B. Portland Cement Concrete Sidewalks. The aggregate base shall be at least 6 inches thick. The Portland cement concrete shall be 4 inches thick and be reinforced with 6-inch square, no. 10 wire mesh.

5.10 Street Construction Standards

Street Materials	Minimum Requirements				
	Arterial	Collector	Minor	Private Street	Back Lot Driveway
Aggregate Sub-base Course (maximum sized stone 4")	18"	18"	18"	12"	12"
Crushed Aggregate Base Course	4"	3"	3"	3"	
Hot Bituminous Pavement					
Total Thickness	3¼"	2½"	2½"		
Surface Course	1½"	1"	1"		
Base Course	1¾"	1½"	1½"		

A. The following are minimum thicknesses after compaction (see Appendix A for illustration of typical street sections by type of street).

B. Bases and Pavements

1. Bases. The aggregate sub-base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, balls of clay and other deleterious substances. The gradation of the part that passes a 4-inch square sieve shall meet the following grading requirements:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
¼ inch	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the sub-base shall contain no particles of rock exceeding 6 inches in any dimension. The aggregate base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, balls of clay and other deleterious substances. The gradation of the part that passes a 3-inch square mesh sieve shall meet the following grading requirements:

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Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
½ inch	45-70%
¼ inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the base shall contain no particles of rock exceeding 2 inches in any dimension.

2. Pavement Joints. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even vertical joint.
3. Pavements. Minimum standards for the base layer of pavement shall be the MDOT specification for plant mix grade B. Minimum standards for the surface layer of pavement shall meet the MDOT specifications for plant mix grade C.

6. Additional Improvements and Requirements

6.1 Erosion Control

The procedures outlined in the erosion and sedimentation control plan shall be implemented during site preparation, construction and cleanup stages.

6.2 Cleanup

Following street construction, the developer or contractor shall conduct a thorough cleanup of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plans and be suitably covered with fill and topsoil, limed, fertilized and seeded.

6.3 Street Names, Signs and Lighting

All new streets and extensions of existing streets shall be named in accordance with the requirements of the Street Naming and Property Numbering Ordinance of the Town of Raymond. The developer shall reimburse the town for the costs of installing street name, traffic safety and control signs. Street lighting shall be installed as approved by the Board.

7. Certification of Construction

As-built plans shall be submitted to the Board of Selectmen. Upon completion of street construction and prior to a vote by the Board of Selectmen to submit a proposed public way to the legislative body, a written certification signed by a registered professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of this ordinance.

8. Performance Guarantees

Performance guarantees shall be as described in Article 8 of the Subdivision Regulations.

9. Inspection

- A. Notification of Construction: At least 5 days prior to commencing construction or alteration of a road, the applicant shall notify the Code Enforcement Officer in writing of the proposed commencement date of construction. The Town shall cause inspection to be made either by a professional retained by the Town or, at the Town's discretion, by the applicant's engineer, in order to ensure that all municipal specifications and requirements shall be met during construction. If the Town retains a professional to inspect road construction, the applicant shall be assessed a fee to cover the costs of such inspection.
- B. Noncompliance with Plan: If it is found upon inspection of the improvements that they are not being or have not been constructed in accordance with approved plans and specifications, the inspector shall so report to the Board of Selectmen and the Planning Board. The Board of Selectmen shall then notify the applicant and, if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the guarantee, security or bond.
- C. Modification during Construction: If at any time before or during construction of the Street or back lot driveway it is demonstrated to the satisfaction of the appointed inspector that unforeseen conditions make it necessary or preferable to modify the location or design of the Street, the appointed inspector may authorize modifications provided such modifications are within the spirit and intent of the Board's approval. The appointed inspector shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Board as its next regular meeting.

10. Waivers

- A. Where the Board makes written findings of fact that there are special circumstances, it may waive portions of the submission requirements, the standards, or other requirements, to permit a more practical and economical development provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, the Zoning Ordinance, or this ordinance.
- B. Where the Board makes written findings of fact that, due to special circumstances, the provision of certain required improvements is inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed road, it may waive or modify the requirement for such improvements, subject to appropriate conditions.
- C. In granting waivers to any of these standards, the Board shall require such conditions as will assure the objectives of this ordinance are met

- D. When the Board grants a waiver to any of the standards of this ordinance, the Final Plan shall indicate the waivers granted and the date on which they were granted.

11. Separability

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other article, section or provision of this ordinance.

12. Appeals

Any party aggrieved by a decision of the Board under this ordinance may appeal the decision to Superior Court as provided by law within thirty (30) days of the date of the decision.

13. Conflict With Other Ordinances

This ordinance shall not repeal, annul or in any way impair or remove the necessity of compliance with any other rule, regulation, permit or provision of law. Whenever the requirements of this ordinance are in conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive shall govern.

14. Definitions

Arterial Street. A major roadway serving long distance traffic through and between municipalities and carrying traffic to major centers of activity.

Collector Street. A principal roadway that conveys traffic between arterial streets.

Back Lot Driveway. A driveway within a defined location serving access and frontage purposes for no more than two back lots and which originates from a street constructed in accordance with the Town of Raymond Street Ordinance standards for a public or private Street.

Street. A public way which affords the principal means of access to abutting properties, or a proposed way that is intended to be accepted by the Town as a public way in accordance with this Ordinance, or a private street as defined in this Ordinance. The word “street” means and includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-way. The term “street” shall also apply to areas on subdivision plans designated as “streets”, etc.

Minor Street. A street designed to serve as primary residential access, and which meets the design standards for public streets in Section 5.5 of this Ordinance.

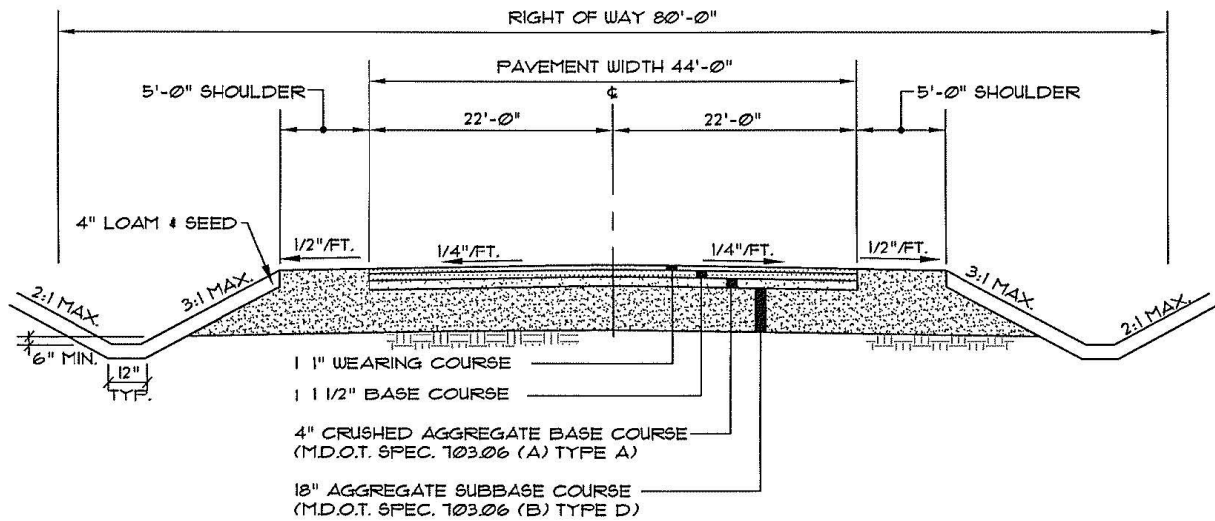
Private Street- A street designed to serve as primary access to two or more residential lots, which meets the design standards for private streets in Section 5.5 of this Ordinance. Private streets are to be maintained by an owner, or ownership such as a

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Adopted May 18, 2002, amended through June 3, 2015

homeowners association, and shall not be accepted as a public street unless the street is proven to meet the public road standards as determined by the Public Works Director and a State of Maine Professional Engineer.

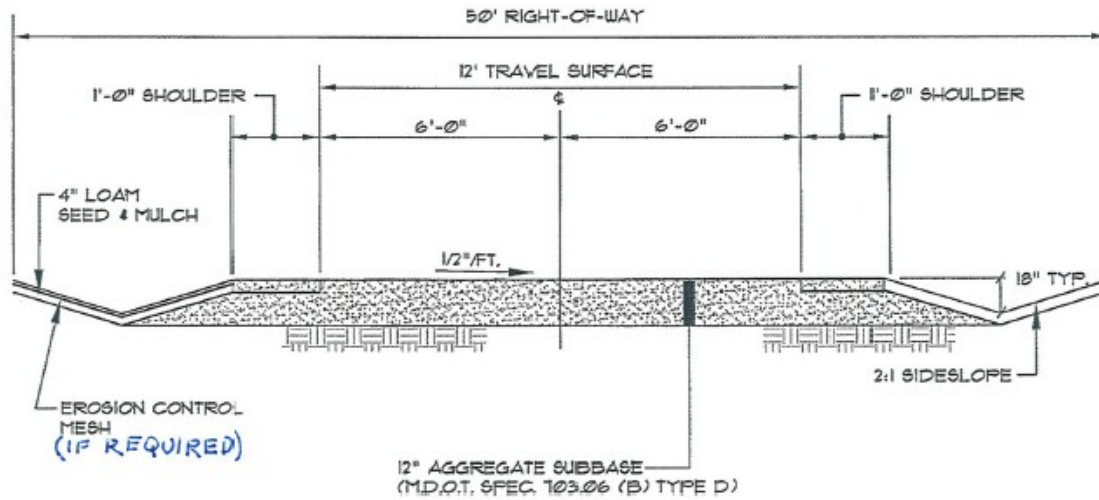
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Appendix A

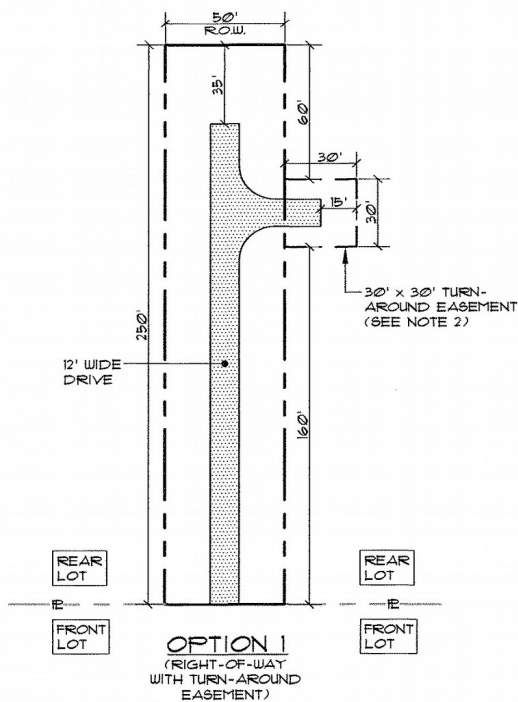


ARTERIAL STREET SECTION
NOT TO SCALE

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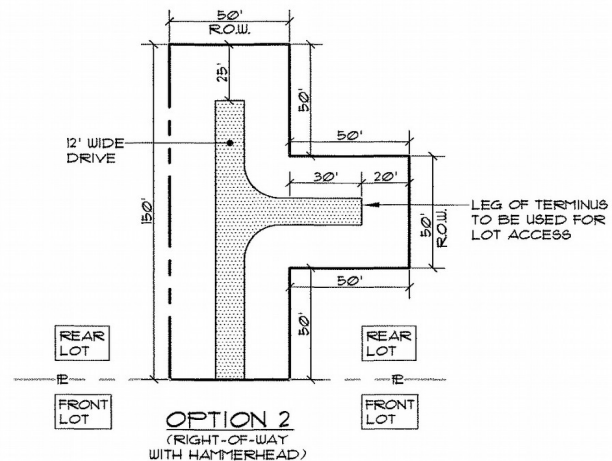


BACK LOT DRIVEWAY SECTION
NOT TO SCALE



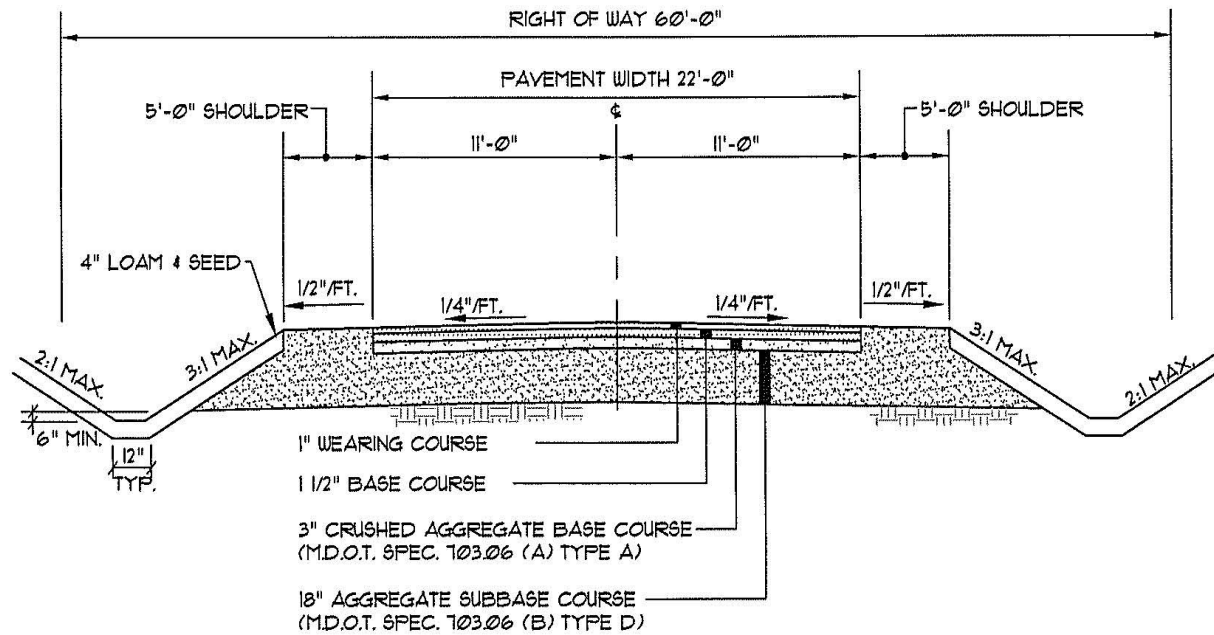
NOTES:

- (1) DRIVEWAY LEG OR TURN-AROUND MAY BE INSTALLED TO TURN LEFT OR RIGHT (90° TO MAIN DRIVEWAY) AT THE OWNER'S CHOICE.
- (2) DRIVEWAY FOR LOT ACCESS MAY COME OFF THE TURN-AROUND LEG OR MAY COME OFF BACK LOT DRIVEWAY, BUT SHALL NOT BE CLOSER THAN 50'-FT. FROM INTERSECTION POINT TURN-AROUND &.

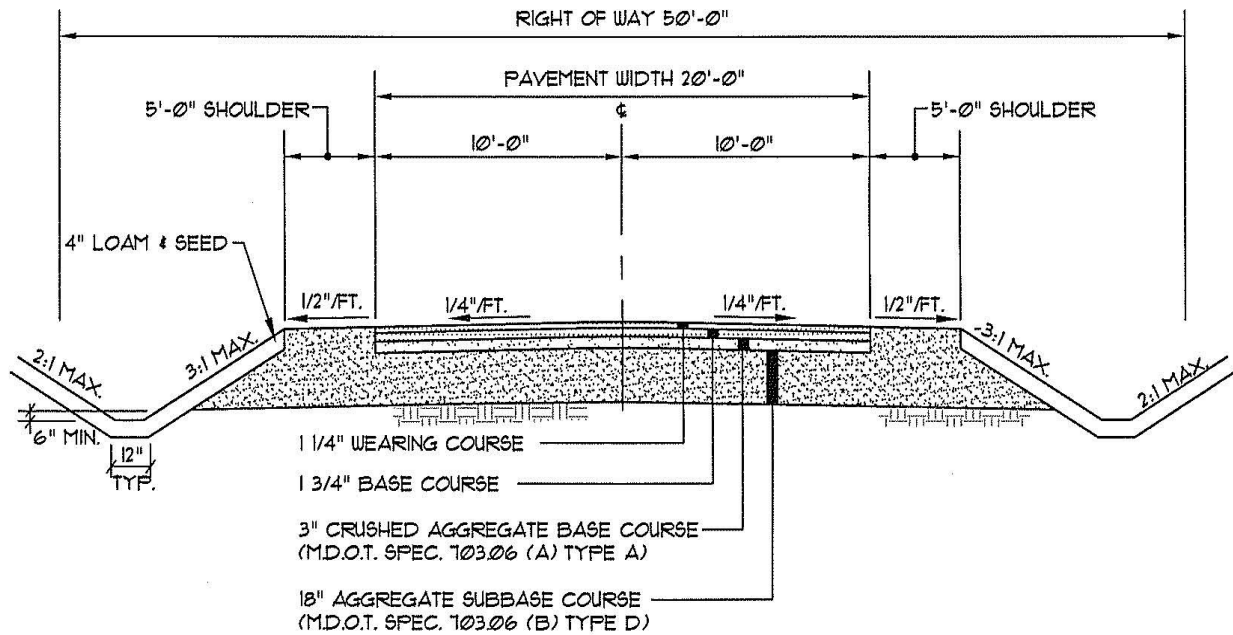


BACKLOT DRIVEWAY TERMINUS
NOT TO SCALE

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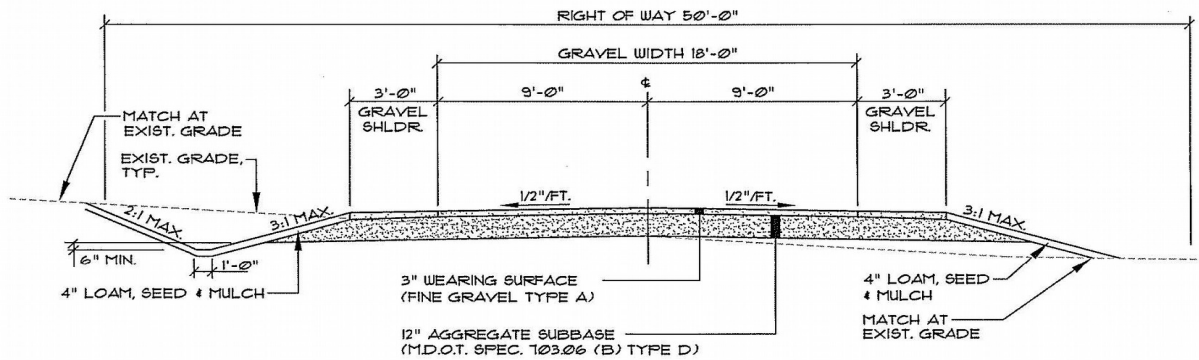


COLLECTOR STREET SECTION
NOT TO SCALE



MINOR STREET SECTION
NOT TO SCALE

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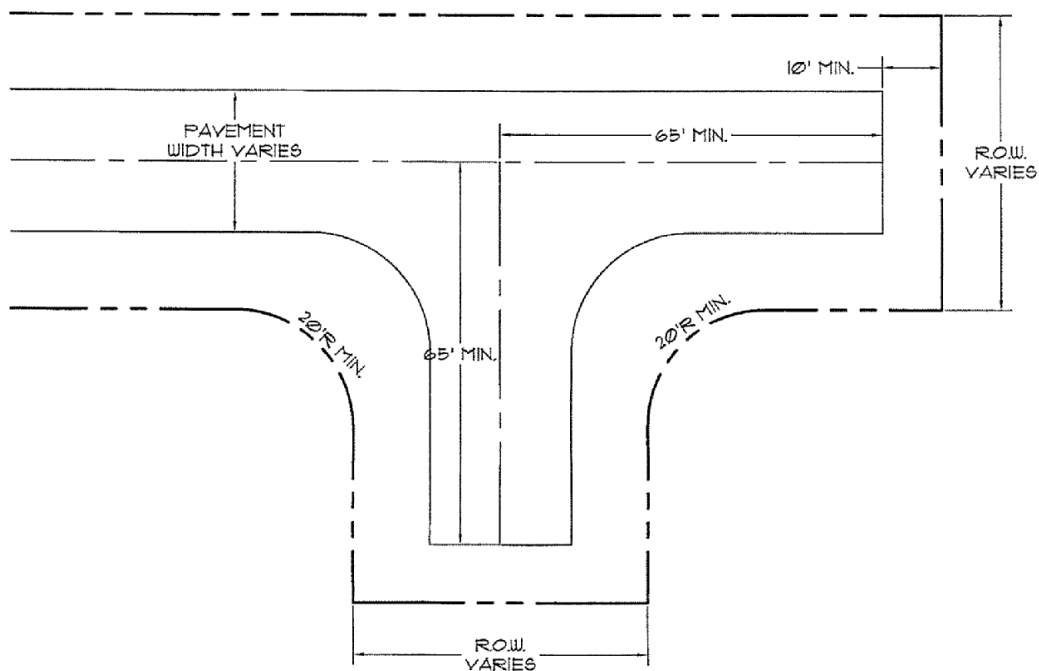


PRIVATE STREET SECTION
NOT TO SCALE

(M.D.O.T. SPEC. 103.06 (A) TYPE A)

18" AGGREGATE SUBBASE COURSE GRAVEL
(M.D.O.T. SPEC. 103.06 (B) TYPE D)

STREET WITH SIDEWALK SECTION
NOT TO SCALE



TYP TURN-A-ROUND DETAIL
NOT TO SCALE



SUBDIVISION REGULATIONS

TOWN OF RAYMOND

**ADOPTED MAY 21, 1994
WITH AMENDMENTS ADOPTED**

March 15, 1997

March 20, 1999

March 18, 2000

May 18, 2002

May 17, 2003

December 2, 2008

June 1, 2010

June 7, 2011

June 4, 2013

June 3, 2014

RAYMOND, MAINE

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Town of Raymond Subdivision Ordinance
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ARTICLE 1 – PURPOSE AND REVIEW CRITERIA

ARTICLE 1 – PURPOSE AND REVIEW CRITERIA

The purpose of this Ordinance shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Raymond, Maine, the Planning Board shall evaluate the proposed subdivision, using the following criteria:

- A. Will not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider:
 - 1. The elevation of the land and its relation to flood plains;
 - 2. The nature of soils and subsoils and their ability to adequately support waste disposal;
 - 3. The slope of the land and its effects on effluents; and
 - 4. The applicable State and local health and water resources regulations.
- B. Has sufficient water available for the reasonably foreseeable needs of the subdivision;
- C. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
- D. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of highways or public roads existing or proposed;
- F. Will provide for adequate solid and sewage waste disposal;
- G. Will not cause an unreasonable burden on the ability of the Town of Raymond to dispose of solid waste and sewage with respect to the use of municipal facilities existing or proposed;
- H. Will not place an unreasonable burden on the ability of the Town of Raymond to provide municipal or governmental services;
- I. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town of Raymond or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

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ARTICLE 1 – PURPOSE AND REVIEW CRITERIA

- J. Is in conformance with the subdivision ordinance, comprehensive plan, zoning ordinance, floodplain management ordinance or other duly adopted town ordinance or regulation. In making this determination, the municipal review authority may interpret these ordinances and plans;
- K. The subdivider has adequate financial and technical capacity to meet the required standards;
- L. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in the Mandatory Shoreland Zoning, Act Title 38, chapter 3, subchapter 1, article 2-B, the proposed subdivision will not adversely affect the quality of water or unreasonably affect the shoreline of that body of water.
 - 1. To avoid circumventing the intent of this provision, if a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extend to the shore.
 - 2. The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983;
- M. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater and aquifers;
- N. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;
- O. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands;

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ARTICLE 1 – PURPOSE AND REVIEW CRITERIA

- P. Any river, stream, or brook, as defined in the Natural Resources Protection Act, Title 38, Section 480-B, within or abutting the subdivision has been identified on any maps submitted as part of the application;
- Q. The subdivision will provide for adequate storm water management;
- R. If any lots in the proposed subdivision have shore frontage on a river, stream, brook or great pond as defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;
- S. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorous concentration during the construction phase and life of the proposed subdivision; and
- T. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

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As adopted May 21, 1994 amended June 4, 2013
ARTICLE 2 - AUTHORITY AND ADMINISTRATION

ARTICLE 2 - AUTHORITY AND ADMINISTRATION

1. Authority

- A. This Ordinance has been prepared in accordance with the provisions of the Maine Revised Statutes Amended, Title 30-A, §§ 4401-4407 and all amendments thereto.
- B. This Ordinance shall be known and may be cited as "Subdivision Ordinance of the Town of Raymond, Maine."

2. Administration

- A. The Planning Board of the Town of Raymond, hereinafter called the Board, shall administer this Ordinance. The Board shall contain seven (7) members. A quorum of four (4) members shall be necessary to conduct a meeting. A majority vote of the quorum is required for the passage or denial of any motion before the Board.
- B. The provisions of this Ordinance shall pertain to all land within the boundaries of the Town of Raymond, Maine.

3. Amendments

- A. This ordinance may from time to time be amended, supplemented or repealed in accordance with the provisions of Revised Statutes of Maine, as amended.
- B. Proposed amendments shall be acted upon in the following manner:
 - 1) Proposed amendments shall be submitted to the Planning Board for its consideration. The Planning Board shall hold a Public hearing and advertise the nature, date, time and place of the hearing not less than fifteen (15) days prior to the date of the hearing in a newspaper of general circulation throughout the Town.
 - 2) Prior to the Town Meeting at which the proposed amendment is to be acted upon, the Planning Board shall submit its official report. Failure of the Planning Board to submit a report shall constitute approval.
 - 3) A Town Meeting shall be held not less than fifteen (15) days after the date of the Public Hearing. A proposed amendment, which has been disapproved by the Planning Board, shall require a majority vote of the Town Meeting for approval.

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ARTICLE 3 - DEFINITIONS

ARTICLE 3 - DEFINITIONS

In general, words and terms used in these Standards shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

Antenna - A device for radiating or receiving radio waves and which is situated on a permanent foundation.

Buildable Land - That land in a parcel which is left over after all deductions made under the Net Residential area or acreage calculations have been made.
[Adopted 9/26/87]

Central Sewage System - A wastewater disposal system that receives wastewater from two or more structures. A "centralized" system may have a private sewer collection system flowing into a larger septic tank or it may have building drains flowing into individual smaller septic tanks. The wastewater, after receiving primary treatment in the septic tank or tanks may be pumped or gravity fed to a single subsurface disposal field or several fields on a common land area.

Comprehensive Plan - Any part or element of the overall plan and policy for development of the Town of Raymond, Maine, as defined in the Maine Revised Statutes Amended, Title 30-A, § 4314 and all amendments and revisions thereto.

Condominium - A multi-family dwelling where land and buildings are owned by the residents.

Construction Drawings – Drawings showing the location, profile, grades, size and type of drains, sewers, water main, underground power and telephone ducts, pavements, cross section of streets, miscellaneous structures, etc.

Driveway – Access route or right-of-way to any single family dwelling or to a duplex, triplex or fourplex building except where such buildings are developed as part of a larger subdivision.

Easement – The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Engineer – Consulting engineer licensed by the State of Maine.

Final Subdivision Plan – The final drawings, on which the subdivider's plan of the subdivision is presented to the Board for approval and which, if approved, shall be filed for record with the Town and the Cumberland County Registry of Deeds.

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Legislative Body - Town Meeting, Municipality, Town of Raymond, Maine.

Minor Subdivision – A subdivision, as defined in Title 30-A § 4401 et. seq., as amended, containing fewer than five (5) lots, and which does not propose construction of a public street or extension of public water service. For purposes of this definition, common land within a subdivision, or land within a subdivision dedicated to open space, shall not be considered a lot.

Net Residential Area or Acreage - The area of a parcel, which is suitable for development as determined by the Planning Board, shall be calculated by subtracting the following from the total or gross acreage of a parcel: *[Adopted 9/26/87]*

1. Total acreage that is used for street and sidewalk rights-of-way.
2. Portions of the parcel containing slopes over thirty-five (35) percent.
3. Portions of the parcel shown to be within the 100-year flood plain and floodway as designated on Federal Emergency Management Agency (FEMA) maps.
4. Portions of the parcel located in the Resource Protection District.
5. Portions of the parcel which are unsuitable for development in their natural state due to drainage or subsoil conditions, including, but not limited to:
 - A. Water table at or near the surface for all or part of the year.
 - B. Unstable soils such as Sebago Mucky Peat.
6. Portions of the parcel covered by surface waterbodies. Where the extent of unsuitability in a specific case requires interpretation, the Planning Board shall be guided by whether or not the potentially unsuitable area could be incorporated and used in parcel if the entire tract were developed as a traditional minimum size subdivision.

Net Residential Density - Net Residential Density shall mean the number of units per net residential acre.

Official Map - The map adopted by the Town of Raymond, Maine, showing the location of public property, ways used in common by more than two (2) owners of abutting property and approved subdivisions; and any amendments thereto adopted by the Town of Raymond, Maine or additions thereto resulting from the approval of subdivision plans by the Board and the subsequent filing for record of such approved plans.

Open Space - Land set aside for passive and/or active use, including recreation purposes, preservation of environmentally sensitive areas, common open space in cluster subdivisions, undevelopable land and buffers.

Official Submittal Date - The time of submission of a Pre-application Plan, Preliminary Plan or Final Plan shall be considered the submission date of the

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ARTICLE 3 - DEFINITIONS

application for such plan approval to the Board, complete and accompanied by any required fee and all data required by these Standards.

Open Space Subdivision - A subdivision in which the dimensional requirements are reduced below that otherwise required in return for permanently preserved open space. *[Added 5/17/03]*

Person - Includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

Planning Board - The Planning Board of the Town of Raymond, Maine created under Title 30-A § 3001 of the Maine Revised Statutes, as amended.

Preliminary Subdivision Plan - The preliminary drawing indicating the proposed layout of the subdivisions to be submitted to the Board for its consideration.

Resubdivision - The division of an existing subdivision.

Sand and Gravel Aquifer - Areas identified on sand and gravel aquifer maps published by the Maine Geological Survey which are favorable for the development of ground water supplies from sand and gravel deposits.

Sidewalk - A paved way for pedestrian traffic, which is, constructed parallel to a road.

Street - A public way which affords the principal means of access to abutting properties, or a proposed way that is intended to be accepted by the Town as a public way in accordance with the Street Ordinance, or a private street as defined in this ordinance. The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets", etc.

- **Minor Street**- A street designed to serve as primary residential access, and which meets the design standards for Public Streets as outlined in Section 5.5 of the Town of Raymond Street Ordinance.
- **Private Street** - A street designed to serve as primary access to two or more residential lots, which is built to standards as outlined in Section 5.5 Street Design Standards of the Town of Raymond Street Ordinance. Private Street are to be maintained by an owner, or ownership such as a homeowners association, and shall not be accepted as a public street unless the street is proven to meet the public Street standards as determined by the Public Works Director and a State of Maine Professional Engineer.

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ARTICLE 3 - DEFINITIONS

Structure - Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind. For the purposes of this Ordinance, fences and structures such as doghouses, treehouses designed for children's use and bus shelters shall not be considered structures. Antennas shall be considered structures.

Subdivision - The division of a tract or parcel of land as defined in Title 30-A § 4401 et. seq., as amended.

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ARTICLE 4 - PREAPPLICATION

ARTICLE 4 - PREAPPLICATION

1. Procedure

- A. Generally, subdivision review is broken into three stages (Preapplication, Preliminary Plan, and Final Plan). This section sets forth the purpose and requirements for the first stage known as Preapplication review.

The Preapplication stage is a time for the applicant and Planning Board to discuss various options for the development of the site and the information that will be needed to address specific site circumstances and ordinance requirements. The plans may be very general and need not include specific engineering details.

- B. The following steps of Preapplication Sketch Plan review shall be administered so that projects brought before the Planning Board for formal plan review will be in order for consideration and in position to meet the requirements of the Subdivision Ordinance:

STEP 1: Advance Request To Be Placed On Agenda Required

The applicant shall request, through the Town Planner, to be placed on the Planning Board's agenda, for a pre-application conference, at least twenty-six (26) days prior to the regularly scheduled meeting at which the applicant wishes to be heard.

STEP 2: Planner Review of Submission Packet for Completeness

The Town Planner shall not place an applicant on the agenda until determining that the applicant has presented the submission packet as specified in section 2 of this Article.

STEP 3: Planning Board Reviews Sketch Plan and Exhibits

At the pre-application meeting, the Planning Board will review the Sketch Plan and accompanying exhibits with the applicant, answer the applicant's questions, and make specific suggestions for the applicant to consider incorporating in subsequent subdivision application submissions.

STEP 4: Classification of Subdivision

At the pre-application meeting, the Planning Board shall classify the proposed subdivision as a minor subdivision if the Board determines the proposed subdivision meets the definition of a minor subdivision. The Board shall also determine whether a conventional or open space design

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ARTICLE 4 - PREAPPLICATION

should be pursued. The Board shall notify the applicant of its determinations in writing.

If the proposed subdivision is classified as a minor subdivision, the application shall follow the procedures for minor subdivisions set out in Article 7 Minor Subdivisions.

STEP 5: Contour Interval Established

At the pre-application meeting, the Planning Board shall determine whether 2- or 5-foot contour intervals are required for subsequent submissions and shall notify the applicant in writing what contour intervals are required for what portions of the property.

STEP 6: Identification of Needed Studies

At the pre-application meeting, the Planning Board shall discuss with the applicant field studies that will be required to address site conditions and issues for the project.

Minor Subdivisions as defined by this Ordinance are generally expected to require less documentation to verify compliance than major subdivisions. However, the Board may require detailed studies or reports for any subdivisions based on particular project site development constraints or issues. In such cases, the Board will require applicants to include such documentation in the subdivision plan submissions to determine compliance with the ordinance criteria and standards.

Failure of the Board to identify a study or report at the pre-application stage shall not release the applicant from responsibility for providing that study or report where the Board determines that particular site conditions or project issues warrant the study or report.

STEP 7: On-Site Inspection Date Set

At the pre-application meeting, the Planning Board shall schedule an on-site inspection of the tract or parcel to be subdivided and shall notify the applicant of the time and date in writing.

The on-site inspection shall be jointly attended by the applicant or a duly authorized agent and by at least two members of the Planning Board. The site inspection shall not be intended to discuss the merits of the project but to verify the site conditions and to help the Board members relate to field conditions when the project undergoes formal subdivision review.

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ARTICLE 4 - PREAPPLICATION

2. Submissions

- A. A Sketch Plan, showing the information specified in E. below, shall be submitted to the Planning Board.
- B. Number Of Copies: Fifteen (15) paper copies of the Sketch Plan shall be submitted.
- C. Sheet Size: The Sketch Plan shall be at least 11 x 17 inches, but no larger than 24 x 36 inches in size.
- D. Plan Scale: The Sketch Plan shall be drawn to scale.
- E. Information To Be Shown On The Plan:
 - 1) Location map shown on a 7.5 minute USGS quadrangle of the area (separate sheet);
 - 2) The tax map and lot numbers from Tax Assessor's Office describing the parcel(s) proposed to be subdivided;
 - 3) Documentation of the right, title, or interest of the applicant to pursue development of the property such as a deed showing ownership or a purchase and sale agreement, including any easements required for access or utilities. Any restrictions on the property such as covenants and/or easements should be noted.
 - 4) The outline of the tract or parcel to be subdivided, with known acreage of parcel and perimeter dimensions;
 - 5) True north arrow;
 - 6) The scale to which the plan is drawn;
 - 7) The present zoning classification of the parcel.
 - 8) A description of current use(s) of the site and abutting parcels that may affect development (e.g., farming, cut over forest, residential subdivisions).
 - 9) Identification of areas of significant topography, generally indicated by slopes exceeding fifteen percent (15%) grade and topographic features such as gullies, borrow pits, large rock outcrops, or knolls that may present constraints for development design;

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- 10) Preliminary wetlands, prepared by a qualified professional based on an on-site investigation, drainage courses, potential vernal pools, streams or ponds located in whole or in part on the parcel proposed to be subdivided and any State or locally required setbacks and/or buffers;
- 11) SCS medium intensity soil boundaries and a description of the suitability of soils for the proposed development, with notations of areas that will not pass State plumbing requirements for on-site wastewater disposal or will generally pose hazards due to poor drainage conditions;
- 12) Location of public utilities proposed to be utilized;
- 13) The conceptual layout and locations of lots, roads, driveways, buildings and septic systems;
- 14) An assessment of the safety of proposed road and driveway entrances with respect to sight line limitations of road curves and vegetative obstructions.

3. Open Space Subdivisions

- A. The subdivider may apply for a conventional subdivision or an open space subdivision in accordance with the provisions of Article 13 of the Land Use Ordinance, except that if the subdivision contains fewer than five (5) lots, the subdivider may not apply for an open space subdivision except as a conservation density subdivision¹[*Adopted 6/7/2012*]. If the subdivider applies for a conventional subdivision, the Sketch Plan shall show a proposed subdivision designed to meet the minimum requirements of the Land Use Ordinance and Subdivision Regulations.
- B. If the subdivider applies for an open space subdivision, in addition to submitting a Sketch Plan for a conventional subdivision, the subdivider shall submit a sketch plan of an open space subdivision designed to meet the requirements of Article 13 of the Land Use Ordinance. The submission shall include a narrative that addresses the applicability of each of the purposes in Section 13.A.2 of the Land Use Ordinance to the proposed subdivision.
- C. The maximum number of lots allowed in an open space subdivision shall be calculated as described in Section 13.C.2 of the Land Use Ordinance (this may require more detailed studies to identify the extent of constrained land that must be deducted from the parcel(s)' gross acreage.

¹There are two types of open space subdivisions as set out in Article 13, section A.3 of the Land Use Ordinance, "cluster subdivision" and "conservation density subdivision."

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- D. After review of the pre-application, if the Planning Board determines that an open space subdivision will achieve the purposes set forth in Section 13.A.2. that are applicable to the proposed subdivision as well as other applicable provisions of the Land Use Ordinance, Subdivision Regulations, and the Comprehensive Plan, the Board may advise the applicant to proceed with an application for an open space subdivision.
- E. If a complete build-out plan for the parcel has not been submitted, the Planning Board shall encourage, if appropriate, consideration of long-range planning to make the most effective use of the design standards and timing mechanisms available to accomplish the purposes set forth in section 13.A.2 of the Land Use Ordinance and to maximize the economic benefits to the applicant and the Town over time.

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ARTICLE 5 – PRELIMINARY PLAN

ARTICLE 5 - PRELIMINARY PLAN

1. Procedure

A. Within six (6 months) after Sketch Plan acceptance by the Board, the subdivider shall submit an application for the consideration of a Preliminary Plan for the Subdivision. Failure to do so shall require re-submission of the Sketch Plan to the Board for review. The application and all required preliminary plan documentation shall be submitted to the Town at least twenty-six (26) days prior to the first Planning Board meeting of the month during which the subdivider wishes to be heard. The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board. *[Amended 12/02/08]*

B. The application for conditional approval of the Preliminary Plan shall be accompanied by the following fees: *[Amended 06/03/2014]*

(1) Application fees as established by the Board of Selectmen and listed in the Town Fee Schedule.

Escrow fees as established by the Board of Selectmen and listed in the Town Fee Schedule. The fees shall be submitted and deposited in an escrow account established by the Town, which monies may be used by the Town to pay for professional legal and technical reviews and advice related to the subdivider's application as deemed necessary by the Town. Said fees for professional reviews and advice shall include, but shall not be limited to engineering or other professional consulting fees, attorney fees, recording fees and appraisal fees.

The total escrow fees required shall be an amount estimated by the consultants and the Town as sufficient to pay for the professional review of the application. If the Town expends more than fifty percent (50%) of the escrow account prior to completing its review, the subdivider shall replenish the escrow account to an amount estimated by the consultants as sufficient to complete the review. Those monies deposited by the subdivider and not spent by the Town in the course of its review shall be returned to the subdivider within six (6) months of approval of the Preliminary Plan in the event the subdivider does not go forward with a Final Subdivision Plan, or sixty (60) days after the Board renders its final decision on the Final Subdivision Plan.

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- B. In addition, the Board shall require the owner or the owner's authorized agent to deposit in escrow an amount of money sufficient to cover the costs of any professional review of the subdivision application, which the board may feel, is reasonably necessary to protect the general welfare of the Town. Amounts for this escrow payment are established in the Town Fee Schedule. This escrow payment shall be made before the Board engages any outside party to undertake this review and to make recommendations to the Board. Any part of this escrow payment in excess of the final costs for review shall be returned to the owner or the owner's agent. *[Amended 12/02/08]*
- C. The subdivider, or the subdivider's duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.
- D. Within forty-five (45) days of its first meeting for consideration of the Preliminary Plan Application (or such longer time as may be agreed upon between the Planning Board and the applicant), the Board shall take action to give preliminary approval, with or without conditions or modifications, or disapproval of such Preliminary Plan. The reason for any conditions or modification required or the ground for disapproval shall be stated upon the records of the Board and a copy provided to the subdivider.
- E. No Preliminary Plan shall be acted on by the Board until the Board has scheduled and conducted a public hearing thereon. Notice of the time, place and date of such hearing shall be sent not less than seven (7) days before the hearing to the subdivider and to owners of property within 250 feet of the properties involved. Property owners shall be those listed in the most recent tax records of the Town of Raymond. Notice shall also be published in a newspaper of general circulation in the Town of Raymond at least two times, and the first date of the publication shall be at least seven (7) days prior to the public hearing. Failure to receive notice shall not invalidate the public hearing held.
- F. Preliminary approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather it shall be deemed as an expression of approval of the design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of this Ordinance and the conditions of the preliminary approval, if any. Prior to approval of the Final Subdivision Plan, the Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at a public hearing.

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ARTICLE 5 – PRELIMINARY PLAN

2. Submissions

- A. Location Map. The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over four hundred feet (400') to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show:
- 1) All the area within 2,500 feet of any property line of the proposed subdivision showing:
 - a) All existing subdivisions and approximate tract lines of acreage parcels.
 - b) Location, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the properties as designated in Section 1 above.
 - c) The boundaries and designations of parks and other public spaces.
 - d) An outline of the proposed subdivision together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plan submitted covers only part of the subdivider's entire holding.
- B. Preliminary Plan. *[Amended 12/02/08]* The Preliminary Subdivision Plan shall be submitted, with fifteen (15) copies of each map or drawing, together with fifteen (15) copies of any attachments required for approval. All dimensions shall be shown in feet or decimals of a foot and drawn to a scale of not more than 100 feet to the inch (preferably forty (40) feet to the inch). The Preliminary Plan and accompanying materials shall show:
- 1) All existing information provided as part of the Sketch Plan.
 - 2) Number of acres within the proposed subdivision and zone boundaries.
 - 3) Proposed lot lines with approximate dimensions, lot numbers, areas in square feet and suggested locations of buildings.
 - 4) Proposed easements, forested areas, perennial and intermittent watercourses, and wetlands. The boundaries of any wetlands depicted on the plans shall be delineated by a wetlands scientist.
 - 5) Contour lines at intervals of not more than five (5) for all portions of the property proposed to be developed.

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ARTICLE 5 – PRELIMINARY PLAN

- 6) Typical cross-sections of the proposed grading for roadways, sidewalks, etc. including width, type of pavement, elevations and grades. All such plans shall be based on an on-ground topographic survey at two (2) foot contour interval or less.
- 7) Connection with existing or proposed water supply or alternative means of providing water supply to the proposed subdivision.
- 8) Connection with existing or proposed sanitary sewerage system or alternative means of treatment and disposal proposed.
- 9) A medium-intensity soils map that encompasses the area to be subdivided. The Planning Board may require submission of a high-intensity soils map in certain instances.
- 10) If a private sewage disposal system is proposed, the location of at least one test pit with acceptable soil conditions for subsurface sewage disposal per the latest edition of “State of Maine Subsurface Wastewater Disposal Rules” (Rules) shall be shown on each lot. The size of a leach field shall be estimated, based on the test pit data for each lot and shown on the subdivision plan. A Well Exclusion Zone shall be shown extending 125 feet from each corner of the proposed leach field location. A completed HHE 200 form must be submitted with preliminary application for multi-family subdivisions.
[Amended 12/02/08]
- 11) For subdivisions of greater than 4 (four) lots that are not served by public sewer, a hydrogeologic assessment prepared in accordance with Section 8.14 by a certified geologist or registered professional engineer experienced in hydrogeology.
- 12) A storm water management plan, prepared by a registered professional engineer, which meets the applicable requirements and standards of Article 9, section 14, shall be submitted for review. The Board may require review and endorsement of the stormwater plan and calculations by the Cumberland County Soil and Water Conservation District. *[Amended 12/02/08]*
- 13) Preliminary designs of any bridges or culverts, which may be required along with State approval if, required.
- 14) A standard boundary survey plan of the property to be developed prepared by a licensed land surveyor and the location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.

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ARTICLE 5 – PRELIMINARY PLAN

- 15) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- 16) The location of all natural features or site elements to be preserved.
- 17) The applicant shall submit an Erosion and Sedimentation Control Plan prepared in conformance with the requirements of “*Maine Erosion Control BMPS, Bureau of Land and Water Quality, Maine Department of Environmental*”, March 2003 and as amended.

The Board may require the review and endorsement of this plan by the Cumberland County Soil and Water Conservation District or some other third party qualified to conduct such review, the cost of which shall be borne by the Applicant. *[Amended 12/02/08]*

- 18) Certification by a registered professional engineer or a registered land surveyor that all survey, deed and supporting information accurately reflects the true conditions existing on the proposed subdivision.
- 19) Base Flood Elevation Data.
- 20) A landscaping plan.
- 21) The location of significant resources including important deer wintering areas, other important plant or wildlife habitat and areas with visual significance.
- 22) The location of any trail, trail system or greenbelt that crosses the property.
- 23) An owner or his authorized agent shall submit information on the location of the development to the following address:

State Historic Preservation Officer
Maine Historic Preservation Commission
55 Capitol Street
State House Station 55
Augusta, Maine 04333

Include a request that the Raymond Planning Board be notified of any comments. The applicant shall submit to the Planning Board proof of such notification, including a copy of the letter to the State Historic Preservation Officer.

- 24) A plan for ensuring an adequate on-site water supply for fire suppression, such as a fire pond, underground storage or extension of

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a public water supply, together with appurtenant piping and hydrants, designed by a registered professional engineer or an approved building sprinkler system. The plan shall include any existing or proposed perpetual easements necessary to ensure access to fire fighting water supply or hydrants. *[Adopted 3/15/97]*

- 25) An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours and the sight distances for each driveway that intersects an existing or proposed public or private road in accordance with the provisions of Article 9, Section 5.
- 26) For subdivisions that will generate more than 200 vehicle trips per day, a traffic impact analysis prepared by a registered professional engineer with experience in traffic engineering. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service on the road giving access to the subdivision and neighboring roads that may be affected, and recommended improvements to maintain the desired level of service on the affected roads. Trip generation rates shall be obtained from the latest edition of "Trip Generation", published by the Institute of Transportation Engineers.
- 27) A phosphorous control plan prepared by a registered professional engineer which meets the applicable requirements and standards of Article 9, section 14, shall be submitted for review. The Board may require review and endorsement of the stormwater plan and calculations by the Cumberland County Soil and Water Conservation District. *[Amended 12/02/08]*
- 28) Right, title or interest of the applicant in the property to be subdivided.

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ARTICLE 6 - FINAL PLAN

ARTICLE 6 - FINAL PLAN

1. Procedure

- A. The subdivider shall, within six (6) months after the preliminary approval of the Preliminary Plan, file with the Board an application for approval of the Final Subdivision Plan in the form described herein. The subdivider may be granted an extension by the Board if a letter is submitted explaining the need for additional time. If the Final Plan is not submitted to the Board within six (6) months after approval of the Preliminary Plan, the Board may refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan. All applications for Final Plan approval for subdivisions shall be accompanied by a fee payable by check to the Town of Raymond, Maine. (See Town Fee Schedule.) The application and all required final plans shall be submitted to the Town Office at least twenty-six (26) days prior to the first Planning Board meeting of the month during which the subdivider wishes to be heard.
[Amended 12/02/08]
- B. If the proposed subdivision requires a permit under the Site Location of Development Act, the Stormwater Management Law or the Natural Resources Protection Act or is otherwise under the jurisdiction of the Maine Departments of Environmental Protection or Transportation, the final plan shall not be approved by the Board until all such approvals are obtained.
- C. Water Supply system proposals contained in the Subdivision Plan shall be approved in writing by a civil engineer registered in the State of Maine, if individual wells serving each building site are to be used. The Board may also require the subdivider to submit the results of water quality tests as performed by the State of Maine Department of Human Services.
- D. Sewage disposal system proposals contained in the Subdivision Plan shall be properly endorsed and approved in writing by the State of Maine Department of Human Services, if a separate central sewage collection and treatment system is to be utilized, or the local Plumbing Inspector if individual septic tanks are to be installed by the builder. Such approval shall be secured before official submission of the Final Plan.
- E. A public hearing may be held concerning the Final Plans as prescribed in Article 5, Section 1.F.

2. Submissions

- A. The Final Plan shall be submitted with the mylar original, two

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ARTICLE 6 - FINAL PLAN

reproducible mylars and fifteen (15) copies, of each map or drawing, together with fifteen (15) copies of any attachments required for approval. All maps and drawings shall be printed or reproduced in the same manner as the Preliminary Plan. Space shall be reserved thereon for endorsement by all appropriate agencies. *[Amended 12/02/08]* The Final Plan shall show:

- 1) All of the information presented on the Preliminary Plan, Location Map and any amendments thereto suggested or required by the Board.
 - 2) The name, registration number and seal of the land surveyor or engineer or planning consultant who prepared the plan.
 - 3) Street names and lines, pedestrian ways, lots, easements and areas to be reserved for or dedicated to public use.
 - 4) Sufficient data to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Parting lines of all lands adjoining the subdivision shall be shown.
 - 5) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearing for each street.
 - 6) Lots within the subdivision numbered as prescribed by the Board.
 - 7) By proper designation, all public open space for which offers of cession are made by the subdivider and those spaces to which title is reserved by him.
 - 8) Permanent reference monuments shown thus: "X". They shall be constructed and placed in accordance with specifications herein, and their location noted and referenced upon the Final Plan.
 - 9) The Plan shall indicate the proposed landscaping program of the subdivider.
 - 10) Any conditions of approval required by the Board
 - 11) A statement indicating that any change or modification to any aspect of the approved plan shall be considered an amendment to the plan and shall require approval of the Board.
- B. There shall be submitted to the Board with the Final Plan written offers of cession to the Town of Raymond of all public open space shown on the

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Plan, and copies of agreements or other documents are to be submitted showing the manner in which spaces, title to which is reserved by the subdivider.

3. Final Approval and Filing

- A. Upon completion of the requirements in Article 5 and 6 above, it shall be deemed to have final approval and the mylar copy shall be properly signed by a majority of the members of the Board, using black ink.
- B. The Board shall act on a Final Plan within thirty (30) days from the date of receipt of the completed application (as described in Article 1, Section 2 above) unless the subdivider agrees to an extension of the period.
- C. At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions of the Plan. The applicant may request that only a section of the approved Plan be filed with the Board and the Cumberland County Registry of Deeds if said section constitutes at least twenty-five (25) percent of the total number of lots contained in the approved Plan. In these circumstances, Plan approval on the remaining sections of the Plan shall remain in effect for two (2) years or a period of time mutually agreed to by the Board and the Subdivider.
- D. After the Final Plans have had the mylar approval entered upon them, a copy of the plans shall be returned to the subdivider. One (1) signed copy, , shall be retained by the Town to be maintained in the Subdivision Plan File. The Plan shall be filed by the applicant with the Cumberland County Registry of Deeds. Any Subdivision Plan not so filed or recorded within sixty (60) days of the date upon which such Plan is, signed by the Planning Board shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days.

Any extension of the 60-day period must be requested of the Planning Board before the previous 60-day period expires. *[Adopted 5/16/87]* The applicant shall provide the Code Enforcement Officer (CEO) with a receipt from the Registry of Deeds within that time limit stating that the Plan has been filed and giving the Book and Page numbers. No building permits for an approved plan will be issued until the plan has been registered with the Registry of Deeds and a letter from the subdivider has been submitted to the Town stating that all permanent monuments as required by Article 10, Section 1 of this Ordinance have been placed.

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ARTICLE 6 - FINAL PLAN

4. Amendments to Previously Approved Subdivision Plan

Prior to making any change, erasure, modification or revision to a final Subdivision Plan which has been approved by the Board and endorsed in writing on the plan, the plan must be resubmitted to the Board for their review and approval of the proposed modifications. A public hearing may be held concerning a subdivision amendment as prescribed in Article 5, Section 1.F of this Ordinance. All amended plans must be signed by the Board and recorded in the Registry of Deeds within sixty (60) days of the date the plan is signed. Any amended plan not so filed or recorded within sixty (60) days of the date the plan is signed by the Planning Board shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days. The applicant shall provide the Code Enforcement Officer (CEO) with a receipt from the Registry of Deeds within that time limit stating that the plan has been filed and giving the book and page numbers.

5. Plan Revisions After Approval

No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the Plan is first resubmitted and the Board approves any modification as outlined in Section 4 of this Ordinance. In the event that a Final Plan is recorded without complying with this requirement, the Board shall file an affidavit with the Cumberland County Registry of Deeds stating that the plan is null and void.

6. Public Acceptance of Streets, Recreation Areas

- A. The approval by the Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Town of Raymond, Maine of any street, easement or other open space shown on such Plan.
- B. When a park, playground or other recreation area shall have been shown on the Plan, approval of the Plan shall not constitute an acceptance by the Town of Raymond of such areas. The Board shall require the Plan to be endorsed with appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Town Manager covering future deed and title, dedication and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

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ARTICLE 7 - MINOR SUBDIVISION

ARTICLE 7 - MINOR SUBDIVISION

If the proposed subdivision is classified as a minor subdivision, the application shall follow the procedures for minor subdivisions set out in this Article.

1. Procedure

- A. Within six (6 months) after Sketch Plan acceptance by the Board, the subdivider shall submit an application for the consideration of a Minor Subdivision Plan. Failure to do so shall require re-submission of the Sketch Plan to the Board for review. The application and all required documentation shall be submitted to the Town at least twenty-six (26) days prior to the first Planning Board meeting of the month during which the subdivider wishes to be heard. The Minor Subdivision Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board.
- B. The application for approval of the Minor Subdivision Plan shall be accompanied by the following fees: *[Amended 06/03/2014]*
 - (1) Application fees as established by the Board of Selectmen and listed in the Town Fee Schedule.
 - (2) Escrow fees as established by the Board of Selectmen and listed in the Town Fee Schedule. The fees shall be submitted and deposited in an escrow account established by the Town, which monies may be used by the Town to pay for professional legal and technical reviews and advice related to the subdivider's application as deemed necessary by the Town. Said fees for professional reviews and advice shall include, but shall not be limited to engineering or other professional consulting fees, attorney fees, recording fees and appraisal fees.

The total escrow fees required shall be an amount estimated by the consultants and the Town as sufficient to pay for the professional review of the application. If the Town expends more than fifty percent (50%) of the escrow account prior to completing its review, the subdivider shall replenish the escrow account to an amount estimated by the consultants as sufficient to complete the review. Those monies deposited by the subdivider and not spent by the Town in the course of its review shall be returned to the subdivider within sixty (60) days after the Board renders its final decision on the application.

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- C. The subdivider, or the subdivider's duly authorized representative, shall attend the meeting of the Board to discuss the Minor Subdivision Plan.
- D. Within forty-five (45) days of its first meeting for consideration of the Minor Subdivision Plan Application (or such longer time as may be agreed upon between the Planning Board and the applicant), the Board shall take action to give Minor Subdivision approval, with or without conditions or modifications, or disapproval of such Minor Subdivision Plan. The reason for any conditions or modifications required or the ground for disapproval shall be stated upon the records of the Board and a copy provided to the subdivider.
- E. No Minor Subdivision Plan shall be acted on by the Board until the Board has scheduled and conducted a public hearing thereon. Notice of the time, place and date of such hearing shall be sent not less than seven (7) days before the hearing to the subdivider and to owners of property within 250 feet of the properties involved. Property owners shall be those listed in the most recent tax records of the Town of Raymond. Notice shall also be published in a newspaper of general circulation in the Town of Raymond at least two times, and the first date of the publication shall be at least seven (7) days prior to the public hearing. Failure to receive notice shall not invalidate the public hearing held.

2. Submissions

- A. Location Map. The Minor Subdivision Plan shall be accompanied by a Location Map drawn at a scale of not over four hundred feet (400') to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show:
 - 1) All the area within 500 feet of any property line of the proposed subdivision showing:
 - a) All existing subdivisions and approximate tract lines of acreage parcels.
 - b) Location, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the properties as designated in Section 1 above.
 - c) The boundaries and designations of parks and other public spaces.
- B. Minor Subdivision Plan. The Minor Subdivision Plan shall be submitted, with fifteen (15) copies of each map or drawing, together with fifteen (15)

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copies of any attachments required for approval. All dimensions shall be shown in feet or decimals of a foot and drawn to a scale of not more than 100 feet to the inch (preferably forty (40) feet to the inch). The Minor Subdivision Plan and accompanying materials shall show:

- 1) All existing information provided as part of the Sketch Plan.
- 2) Number of acres within the proposed subdivision and zone boundaries.
- 3) Proposed lot lines with approximate dimensions, lot numbers, areas in square feet and suggested locations of buildings.
- 4) Proposed easements, forested areas, perennial and intermittent watercourses, and wetlands. The boundaries of any wetlands depicted on the plans shall be delineated by a wetlands scientist.
- 5) Contour lines at intervals of not more than five (5) for all portions of the property proposed to be developed.
- 6) Connection with existing or proposed water supply or alternative means of providing water supply to the proposed subdivision.
- 7) Connection with existing or proposed sanitary sewerage system or alternative means of treatment and disposal proposed.
- 8) A medium-intensity soils map that encompasses the area to be subdivided. The Planning Board may require submission of a high-intensity soils map in certain instances.
- 9) If private sewage disposal systems are proposed, location and results of tests to ascertain subsurface soil ground water conditions and depths to maximum ground water level.
- 10) A standard boundary survey plan of the property to be developed prepared by a licensed land surveyor and the location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.
- 11) Certification by a registered land surveyor that all survey, deed and supporting information accurately reflects the true conditions existing on the proposed subdivision.
- 12) Base Flood Elevation Data.
- 13) An owner or his authorized agent shall submit information on the location of the development to the following address:

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State Historic Preservation Officer
Maine Historic Preservation Commission
55 Capitol Street
State House Station 55
Augusta, Maine 04333

Include a request that the Raymond Planning Board be notified of any comments. The applicant shall submit to the Planning Board proof of such notification, including a copy of the letter to the State Historic Preservation Officer.

- 14) A phosphorous control plan for any portion of the subdivision within the watershed of a great pond prepared in conformance with the provisions of Article 9, Section 14.
- 15) Right, title or interest of the applicant in the property to be subdivided.
- 16) Additional plans, studies, or submissions identified by the Planning Board at Sketch Plan review as needed to address issues to be addressed by the applicant.

3. Filing

After the Minor Subdivision Plan has had the mylar approval entered upon it, a copy of the plan shall be returned to the subdivider. One (1) signed copy shall be retained by the Town to be maintained in the Subdivision Plan File. The Plan shall be filed by the applicant with the Cumberland County Registry of Deeds. Any Subdivision Plan not so filed or recorded within sixty (60) days of the date upon which such Plan is signed by the Planning Board shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days. Any extension of the 60-day period must be requested of the Planning Board before the previous 60-day period expires.

The applicant shall provide the Code Enforcement Officer (CEO) with a receipt from the Registry of Deeds within that time limit stating that the Plan has been filed and giving the Book and Page numbers. No building permits for an approved plan will be issued until the plan has been registered with the Registry of Deeds and a letter from the subdivider has been submitted to the Town stating that all permanent monuments as required by Article 11, Section 1 of this Ordinance have been placed.

4. Amendments to Previously Approved Subdivision Plan

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ARTICLE 7 - MINOR SUBDIVISION

Prior to making any change, erasure, modification or revision to a Minor Subdivision Plan which has been approved by the Board and endorsed in writing on the plan, the plan must be resubmitted to the Board for their review and approval of the proposed modifications. A public hearing may be held concerning a subdivision amendment as prescribed in Section 1.F above. All amended plans must be signed by the Board and recorded in the Registry of Deeds within sixty (60) days of the date the plan is signed. Any amended plan not so filed or recorded within sixty (60) days of the date the plan is signed by the Planning Board shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days. Any extension of the 60-day period must be requested of the Planning Board before the previous 60-day period expires. The applicant shall provide the Code Enforcement Officer (CEO) with a receipt from the Registry of Deeds within that time limit stating that the plan has been filed and giving the book and page numbers.

5. Plan Revisions after Approval

No changes, erasures, modifications, or revisions shall be made in any Minor Subdivision Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the Plan is first resubmitted and the Board approves any modification as outlined in Section 4 of this Article. In the event that a Minor Subdivision Plan is recorded without complying with this requirement, the Board shall file an affidavit with the Cumberland County Registry of Deeds stating that the plan is null and void.

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ARTICLE 8 - PERFORMANCE GUARANTEES

ARTICLE 8 - PERFORMANCE GUARANTEES

1. Procedure and Form of Guarantee

The subdivider shall, in an amount set by the Town Manager, file with the Town, prior to the issuance of a building permit, a performance guarantee in the form of a certified check payable to the Town of Raymond, a performance bond running to the Town of Raymond, an irrevocable letter of credit to cover the full cost of required improvements or some other form of surety that is acceptable to the Town Manager. For the purposes of this section, required improvement shall mean all public and private roads, all drainage structures and ditches, all erosion control measures, all utilities, all landscaping and all recreation facilities. Any such bond shall be satisfactory to the Town Manager and the municipal attorney as to form, sufficiency, manner of execution and surety.

2. Phased Developments

At the discretion of the Town Manager, the subdivider may be allowed to submit individual bonds for each phase of a project's development. If this option is chosen, prior to submission of each individual bond, the developer shall submit to the Town a written statement detailing completion dates for all roads and other public improvements planned for that phase.

3. Time Limitations

A period of one year (or such period as the Town Manager may determine appropriate, not to exceed three (3) years) shall be set forth in the bond time within which required improvements must be completed.

4. Inspection of Required Improvements

- A. At least fifteen (15) days prior to commencing construction of required improvements, the subdivider shall notify in writing the Code Enforcement Officer of the time when he proposes to commence construction of such improvements so that the Town Manager can cause inspection to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board. Inspection shall be made of all required public improvements as defined above.
- B. At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay an inspection fee equal to the estimated cost of inspection by an engineer appointed by the Town, payable by check to the Town of Raymond stating the purpose of the fee. No building permits shall be issued on the project and no work begun until

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the inspection fee has been paid.

- C. If the inspector shall find, upon inspection of the improvement performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, the inspector shall so report to the Town Manager, Road Commissioner and Building Inspector. The Town Manager shall then notify the subdivider and, if necessary, the bonding company or bank, and take all necessary steps to preserve the municipality's rights under the bond or letter of credit. No plan shall be approved by the Board as long as the subdivider is in default on a previously approved plan.
- D. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the inspector that unforeseen conditions make it necessary or preferable to modify the location or design of any required improvement, the inspector may, upon approval of the Town Manager, authorize modifications, provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The inspector shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Code Enforcement Officer.
- E. Upon completion and final inspection of all required improvements, any funds remaining in a project's inspection fee account, after all inspection fees have been paid, shall be returned to the subdivider.
- F. The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.

5. Inspections Prior to Release of Performance Guarantee

- A. The performance guarantee shall not be released by the Town Manager until:
 - 1) The inspecting engineer has completed his final inspection of the project and has submitted a written report stating that all required public improvements as defined above have been completed in accordance with approved plans and specifications.
 - 2) The Town Manager and Code Enforcement Officer have examined the site, have reviewed the inspecting engineer's report and concur with his findings. Performance guarantees collected on phased work segments shall be released in the same manner as outlined above, upon the completion of each phase.

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ARTICLE 8 - PERFORMANCE GUARANTEES

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ARTICLE 9 - GENERAL REQUIREMENTS

ARTICLE 9 - GENERAL REQUIREMENTS

In reviewing applications for the subdivision of land, the Board shall consider the following general requirements. In all instances, the burden of proof shall be upon the person proposing the subdivision.

1. Conformity with Comprehensive Plan

Any proposed subdivision shall be in conformity with the Comprehensive Plan of the Town of Raymond and with the provisions of all pertinent state and local codes and ordinances.

2. Relationship to Community Services

- A. Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing services and facilities. The Preliminary Plan shall include a list of the construction items that will be completed by the developer prior to the sale of lots; and the list of construction and maintenance items that must be borne by the municipality, which shall include, but not be limited to: schools, including busing; road maintenance and snow removal; police and fire protection; solid waste disposal; recreation facilities; runoff water disposal drainage ways and/or storm sewer enlargement with sediment traps.
- B. The Board may require the developer to provide a Community Impact Statement to the Town for the above services, including reasonable cost estimates to the Town and the expected tax revenue of the subdivision.

3. Retention of Proposed Public Sites and Open Spaces

- A. For residential subdivisions, the subdivider shall reserve a minimum of ten (10) percent of the gross area of the subdivision as open space. Depending on the size and location of the subdivision, the Board may require the developer to provide up to ten (10) percent of his total area for recreation. It is desirable that areas reserved for recreation be at least one acre in size and easily accessible from all lots within the subdivision.
- B. Developers shall be encouraged to retain any existing trail system, which crosses the property, or to re-route the trail system to a suitable portion of the property such that the integrity and continuity of the trail is retained.
- C. Developers shall be encouraged to retain the integrity and continuity of any greenbelt, which crosses the property.
- D. The Planning Board shall consider the comments of the State Historic

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Preservation Officer, if any, and may require that significant archaeological or historical sites be preserved to the maximum extent possible both during construction and following completion of the development.

- E. Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended. A site to be used for active recreation purposes, such as a playground or a playfield, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and shall have no less than twenty-five (25) feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.
- F. Where the proposed subdivision is located on a lake, pond, river, or stream, a portion of the waterfront area shall be included in reserved land. *[Adopted 5/16/87]* The reserved land shall comply with the following requirements: *[Adopted 6/7/12]*
- 1.) The reserved land shall be a minimum of fifty (50) feet, linear distance as measured along a straight line (the "waterfront measurement line") connecting the two (2) end points of the reserved land along the waterfront.
 - 2.) The depth of the reserved land shall be a minimum of fifty (50) feet from a particular waterfront point running perpendicular to the waterfront measurement line. Such particular waterfront point shall be on the waterfront where a line drawn perpendicular from the midpoint of the waterfront measurement line intersects the waterfront.
 - 3.) The total area of the reserved land shall, at a minimum, equal the length of the required minimum waterfront measurement line multiplied by fifty (50) feet.
 - 4.) Side lot lines of the reserved area shall run approximately perpendicular to the waterfront measurement line.

All lots within the subdivision shall have a right to access the reserved land along the waterfront and the subdivision plan shall include a statement of and references to the legal mechanism to ensure such access in perpetuity. Where practicable, any other reserved open space contained in the subdivision should be connected to the waterfront reserved land. *[Adopted 5/16/87; Revised 6/2/11]*

- G. Ownership shall be clearly indicated for all reservations of park and playground purposes on the Final Plan and shall be clearly established in a

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manner satisfactory to the town attorney so as to ensure the continuation of responsibility for ownership maintenance. The land or a part of it may be deeded to the Town of Raymond subject to the approval of the Town.

- H. The Board may further require that the developer provide space for future municipal uses, in accordance with a Comprehensive Plan or policy statement, giving the Town first option on the property.

4. Preservation of Natural and Historic Features

The Board shall require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible. In all districts except Village Residential I and Village Residential II, a fifty (50) foot buffer strip shall be provided where the proposed subdivision abuts an existing road.

5. Traffic Sight Distance

All points of access from the subdivision onto existing or proposed public or private roads shall be so designed in profile and grading and so located as to provide a minimum sight distance in each direction of 10 feet per each mile per hour of posted speed limit. The measurements shall be from the driver's seat of a vehicle standing on the exit driveway 12 feet behind the curb line or edge of travelway, with the height of eye 3.5 feet to the top of an object 4.25 feet above the pavement.

6. Conformance to Shoreland Zoning

Wherever situated, in whole or in part, within 250 feet of the normal high water mark of any pond, river or other fresh water body, or otherwise as shown on the Official Shoreland Map, the proposed subdivision shall conform to the Shoreland Zoning Provisions for the Town of Raymond, Maine.

7. Easements for Natural Drainage Ways

Where a subdivision is traversed by a natural watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse of such width as will assure that no flooding occurs and all storm water can be disposed of properly. Such easement or right-of-way shall be not less than thirty (30) feet in width.

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8. Net Residential Density

The calculation of density for all residential subdivisions shall be based on the net residential area or acreage of the parcel as defined herein.

9. Lots

- A. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development proposed.
- B. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.
- C. Wherever possible, side lot lines shall be perpendicular to the street.
- D. The ratio of lot length to width shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.
- E. Except for an open space subdivision approved by the Board pursuant to this Ordinance, all lots shall meet the minimum lot size of the zoning district in which it is located.
- F. Each subdivision lot shall include a suitable area for a well and a subsurface wastewater disposal system (SSWDS). All wells shall be located at least ten feet away from any property line, or road right-of-way. All wells and all components of a SSWDS shall meet all other applicable setback requirements. *[Adopted 12/02/08]*

10. Utilities

- A. The size, type and location of public utilities, such as street lights, electricity, telephones, fire hydrants, etc. shall be approved by the Board and installed in accordance with the requirements of the Board and this Ordinance.
- B. Utilities shall be installed underground except as otherwise approved by the Board.
- C. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage.

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11. Additional Requirements

- A. Street trees, esplanades, and open green spaces may be required at the discretion of the Planning Board. Where such improvements are required, they shall be incorporated in the Final Plan and executed by the subdivider as construction of the subdivision progresses.
- B. The subdivision design shall minimize the possibility of noise pollution either from within or without the development (from highway or industrial sources) by providing and maintaining a planting screen easement at least twenty (20) feet wide, except as may otherwise be required by the Zoning Ordinance, between abutting properties that are so endangered.
- C. Where a tract is subdivided into lots substantially larger than the minimum size required in the Zoning District in which the subdivision is located, the Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in this Ordinance.

12. Required Improvements

The following are required improvements: monuments, street signs, streets, landscaping, water supply, sewage disposal and storm drainage, except where the Board may waive or vary such improvements in accordance with the provisions of this Ordinance.

13. Impact on Ground Water

- A. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:
 - 1) A map showing the basic soils types.
 - 2) The depth to the water table at representative points throughout the subdivision.
 - 3) Drainage conditions throughout the subdivision.
 - 4) Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 - 5) An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision and at the subdivision boundaries. For subdivisions within the watershed of a

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lake, projections of the subdivision's impact on ground water phosphate concentrations shall also be provided.

- 6) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.
- B. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
- C. No subdivision shall increase any contaminant concentration in the ground water, at any on-site well, at any lot line or at the subdivision boundary to more than the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water at any on-site well, at any lot line, or at the subdivision boundary to more than the Secondary Drinking Water Standards.
- D. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
- E. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
- F. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Final Plan, and as restrictions in the deeds to the affected lots.

14. Phosphorous Control *[Adopted 12/02/08]*

- A. For all subdivisions that are required to obtain a permit pursuant to the Stormwater Management Law, 38 M.R.S.A. § 420-D, the calculations, plans and any other materials submitted to Maine DEP shall be submitted to the Town of Raymond for review.
- B. For all subdivisions that require phosphorus allocation calculations as part of a permit pursuant to the Stormwater Management Law, 38 M.R.S.A. § 420-D, these calculations shall be submitted to the Town of Raymond for review. Phosphorus export calculations must demonstrate that construction and long term operation of the development will not result in the export of phosphorus in excess of the allocation in the latest edition of "*Per Acre Phosphorus Allocations for Selected Maine Lakes*," issued by Maine DEP. Calculations of phosphorus export quantities shall be based on the

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latest edition of "*Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development*", issued by Maine DEP.

- C. For all subdivisions that are not required to obtain a permit pursuant to the Stormwater Management Law, 38 M.R.S.A. § 420-D, or that are required only to obtain a stormwater permit by rule (PBR), the applicant shall demonstrate that:
- 1) each lot in the subdivision will comply with the provisions of Article 9 Section U.5 (Stormwater) of the Town of Raymond Land Use Ordinance prior to start of any construction activity on that lot and prior to issuance of a building permit for that lot, and
 - 2) all proposed new streets in the subdivision will be designed and constructed so that construction and long term operation of the streets and related facilities will not result in the export of phosphorus in excess of the allocation in the latest edition of "*Per Acre Phosphorus Allocations for Selected Maine Lakes*," issued by Maine DEP. Calculations of phosphorus export quantities shall be based on the latest edition of "*Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development*," issued by Maine DEP.

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ARTICLE 10 – DESIGN STANDARDS

ARTICLE 10 - DESIGN STANDARDS

1. Monuments

- A. Permanent monuments shall be set at all corners and angle points of the subdivision lots and boundaries; and at all intersections and points of curvature.
- B. All road angle monuments shall be constructed of stone and shall be a minimum of four (4) inches by four (4) inches and four (4) feet long. All other monuments shall be constructed of a reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. The monument shall clearly show the registration number or temporary certificate number of the registered land surveyor responsible for survey. Where the placement of a required monument at its proper location is impractical, it shall be permissible to set a reference monument close to that point.

2. Street Signs

Streets, which join or are in alignment with streets of abutting or neighboring properties, shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Board.

3. Streets

- A. Classification. In accordance with the Comprehensive Development Plan for the Town of Raymond and for the purposes of this Ordinance, streets are classified by function, as follows:
 - 1) Major Streets - Streets that serve primarily as major traffic-ways for travel between and through towns.
 - 2) Minor Streets - Local streets that are used primarily for access to abutting residential, commercial or industrial properties, including interior roads within single and multi-family subdivisions.
- B. Layout
 - 1) Proposed streets shall conform, as far as practical, to the requirements of the Raymond Street Ordinance.
 - 2) All streets in the subdivision shall be so designed that, in the opinion of the Board, they shall provide safe vehicular travel while discouraging

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movement of through traffic.

- 3) The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such streets. Grades of streets shall conform as closely as possible to the original topography within the limits of these Standards.
- 4) Adequate off-street parking, suitably surfaced, shall be provided in connection with lots designed for commercial and industrial uses in accordance with the standards of Article 9, Section C of the Land Use Ordinance.
- 5) Single family subdivisions, including single family open space subdivisions, containing a maximum of fourteen (14) lots may have one dead-end cul-de-sac street, up to 1,000 feet in length, connecting with existing public streets or streets on an approved subdivision plan for which a bond has been filed.

Multi-family subdivisions containing more than four (4) units but less than twenty-five (25) dwelling units may have one dead-end cul-de-sac street, up to 1,000 feet in length, connecting with existing public streets or streets on an approved subdivision plan for which a bond has been filed. If two entrances into a multi-family subdivision with twenty-four (24) units or less is planned, such entrances shall meet the spacing requirements set forth in Article 10, Section 3.B.6 of this Ordinance.

- 6) Single-family subdivisions including single family open space subdivisions, containing fifteen (15) lots or more and multi-family subdivisions containing more than twenty-five (25) dwelling units shall have at least two street connections with existing public streets or streets on an approved subdivision plan for which a bond has been filed. The above referenced street connections shall connect within the subdivision. Entrances onto existing or proposed collector streets shall be a minimum distance apart of 400 feet. Entrances onto existing or proposed arterial streets shall be a minimum distance apart of 1,000 feet.
- 7) Commercial subdivisions may have one dead-end street up to 1,000 feet in length. Such street shall be constructed with a cul-de-sac or turnaround at its terminal end. If two entrances to a commercial subdivision are proposed, such entrances shall meet the spacing

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requirements set forth in Article 10, Section 3.B.6 of this Ordinance.

- 8) The Board may require right-of-way widths be provided if it determines that future extension of the street may occur. Such additional widths shall be consistent with the right-of-way width of the dead-end street.
- 9) All subdivisions shall be designed to provide access to individual lots only by interior subdivision roads. Direct access from any public road to any lot in a proposed subdivision shall be prohibited unless the Planning board determines that physical conditions unique to the parcel justify the granting of a waiver from this requirement. A waiver shall be granted only if one of the following conditions is met:
 - a) There is too little road frontage to reasonably allow creation of a new way;
 - b) The shape or physical condition of the parcel does not permit access to or creation of a street other than the existing public way; or
 - c) Common access will be utilized which will allow all proposed lots to be serviced by common curb cuts. Street entrances onto existing state-aid or state highways in the above described areas, and driveway or street entrances onto existing state-aid or state highways in all other areas must be approved by the Maine Department of Transportation. Copies of such approval shall be submitted to the Board at the time of final review.
- 10) Where subdivision streets are to remain private roads, the following statement shall appear on the plan to be recorded:

“All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town until they meet all municipal street design and construction standards and are approved as such by the Town Meeting.”

C. Design and Construction Standards

Streets within the subdivision shall meet the design and construction standards of Section 5 of the Raymond Street Ordinance. *[Amended 12/2/08]*

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4. Driveway Construction

A new driveway in any zone shall be constructed and maintained to prevent water or runoff from reaching the paved or traveled portion of the street. This standard shall not be subject to a waiver by the Planning Board or a variance by the Board of Appeals. *[Amended 3/20/99]*

5. Sidewalks

Sidewalks shall be installed at the expense of the subdivider where the subdivision abuts or fronts onto a major street, and at such locations as the Board may deem necessary.

6. Water Supply

- A. Storage shall be provided as necessary to meet fire protection needs as determined by the Fire Department at the subdivider's expense.
- B. The minimum water main permitted shall be six (6) inches and shall be installed at the expense of the subdivider.
- C. The water supply system shall be designed, approved and installed in accordance with requirements of the Maine Department of Human Services.
- D. Because they are difficult to maintain in a sanitary condition, dug wells shall be permitted only if it is not economically or technically feasible to develop other groundwater sources.
- E. When fire fighting water supply or hydrants are required but not located within a proposed or existing right of way of a public street, perpetual easements shall be provided to the Town allowing for maintenance, improvements, testing and use. *[Adopted 3/15/97]*

7. Sewage Disposal *[Amended 12/02/08]*

- A. Septic tanks and disposal fields shall meet the setback distances from on-site and off-site features as required in the latest edition of "State of Maine Subsurface Wastewater Disposal Rules" (Rules).
- B. An application for an individual septic system shall be completed by a State Licensed Site Evaluator in full compliance with the requirements of the Rules.
- C. Plans for Engineered Wastewater Disposal Systems, as defined in the

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Rules shall be designed by a professional Civil Engineer and approved by the State of Maine Department of Human Services.

- D. For all subdivisions a plan shall be provided, on which the location of at least one test pit with acceptable soil conditions for subsurface sewage disposal per the Rules is identified on each proposed lot. The size of a leach field shall be estimated, based on the test pit data for each lot and shown on the subdivision plan. A well exclusion Zone shall be shown extending 125 feet from each corner of the proposed leach field location.

8. Surface Drainage

- A. All improvements recommended in the drainage plan submitted pursuant to Article 5, Section 2.B.12 shall be shown on the approved plan.
- B. Topsoil shall be considered part of the subdivision. Except for "surplus" topsoil for roads, parking areas and building excavations, it is not to be removed from the site.
- C. Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Board shall require a developer to take measures to correct and prevent soil erosion in the proposed subdivision as detailed in the sedimentation and erosion plan submitted pursuant to Article 5, Section 2.B.17.
- D. To prevent soil erosion of shoreline areas, tree cutting on the shoreline shall conform to the Shoreland Zoning Provisions of the Town of Raymond, Maine.

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ARTICLE 11 - ENFORCEMENT

ARTICLE 11 - ENFORCEMENT

1. Final Plan Approval Required for Recording

No plan of a subdivision of land within the boundaries of the Town of Raymond which would constitute a subdivision as defined herein shall hereafter be filed or recorded in the Cumberland County Registry of Deeds until a Final Plan thereof shall have been approved by the Board in accordance with all of the requirements, design standards and construction specifications set forth elsewhere in this Ordinance, nor until such approval shall have been entered on such Final Plan by the Board.

2. Approval and Recording Required for Subdivision Land Conveyance

No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Cumberland County Registry of Deeds.

3. Town's Recourse for Violation

Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section shall be punished by a fine as set by the Selectmen for each such conveyance, offering or agreement. The Town of Raymond may institute proceedings to enjoin the violation of this section.

4. Final Plan Approval Required for Public Utilities Service

No public utility of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.

5. Final Plan Approval and Recording Required for Construction or Grading

Not only is making a subdivision without Board approval a violation of law, but so also within such a subdivision is grading or construction of roads, grading of land or lots, or construction of buildings until such time as a Final Plan of such subdivision shall have been duly prepared, submitted, approved and endorsed as provided in this Ordinance, and until the original copy of the Final Plan so approved and endorsed has been duly recorded in the Cumberland County Registry of Deeds.

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ARTICLE 11 - ENFORCEMENT

6. Severability

The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.

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ARTICLE 12 - WAIVERS AND LEGAL PROVISIONS

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1. Authority to Grant Waivers

Where the Planning Board finds that undue hardship, not self-imposed, will result from strict compliance with this Ordinance, it may grant waivers, providing that such waivers will not have the effect of nullifying the intent and purpose of this Ordinance. *[Adopted 5/16/87]*

2. Waiver Criteria

In granting waivers, the Board shall utilize the following criteria in determining whether or not there is sufficient evidence to establish that the practical difficulties and unusual hardships are caused by special conditions peculiar to the particular property and not common to other property in the general area, and that such waivers can be granted without detriment to the general area.

- A. Location, character, and natural features. What effect does the proposed subdivision have on the prevailing character of the area?
- B. Landscaping, topography, and natural drainage. Will the proposed subdivision necessitate any changes in the natural environmental aspect of the area?
- C. Vehicular access, circulation and parking. Will the proposed subdivision generate unusual traffic conditions affecting the general area?
- D. Pedestrian circulation. Will the proposed subdivision have any effect on the pedestrian traffic as regards to convenience and safety?
- E. Signs and lighting. Will the proposed subdivision distribute or generate any degree of nuisances to abutting property owners?
- F. Public safety. The Board shall state its findings in writing in detail; such shall be made a part of the record of each appeal.
- G. Does the proposed subdivision violate any of the basic criteria established in Article 1, A through Q?

3. Appeal of Board Decisions

An appeal of any order, relief or denial made by the Board may be referred by any party to the Superior Court.

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ARTICLE 12 - WAIVERS AND LEGAL PROVISIONS

4. Applicability

The provisions of this Ordinance, not specifically required by M.R.S.A., Title 30-A, §§4401-4407 shall not apply to any subdivision which has been approved by the Board and recorded in the Registry of Deeds of Cumberland County prior to 5/21/94 (the date of original enactment of this ordinance).

5. Effective Date

This Ordinance is effective January 1, 1987, as adopted by the Town as supplement to the regulation adopted March 1971, revised, July 1974 and March, 2000.

TOWN OF RAYMOND, MAINE
S. Wireless Communication Facilities – May 2000

1. **PURPOSE:** These standards are designed and intended to balance the interests of the residents of the Town of Raymond, wireless communications providers and wireless communication customers in the siting of wireless communications facilities within the Town. Beyond the objectives described in Article I, Section C and in other sections of the Town of Raymond Land Use Ordinance, these Wireless Communication Facilities standards are also intended to:
 - a. Implement a municipal policy concerning the provision of wireless telecommunications services, and the siting of their facilities;
 - b. Establish clear guidelines, standards and time frames for the Town to regulate wireless communications facilities;
 - c. Ensure that all entities providing Wireless Communications Facilities within Raymond comply with the ordinances of Raymond;
 - d. Permit the Town of Raymond to continue to fairly and responsibly protect public health, safety and welfare;
 - e. Encourage the siting of Wireless Communications Facilities to co-locate, thus minimizing adverse visual impacts on the community;
 - f. Support the goals and policies of the Comprehensive Plan, especially the orderly development of the Town with minimal impacts on existing residential uses;
 - g. Protect the scenic and visual characteristics of the community, as identified in the Raymond comprehensive plan, to the greatest extent possible;
 - h. Provide for the removal of towers and associated structures that are no longer being used for wireless communications purposes; and
 - i. Minimize any potential adverse effect of a Wireless Communication Facilities on property values.
2. **DEFINITIONS** In addition to those terms defined in Article XII of the Town of Raymond Land Use Ordinance, the following terms are applicable for reviewing an application for wireless communication facility and ensuring that applicable standards are met.
 - a. **Alternative Tower Structure (ATS):** Clock towers, bell steeples, light poles, water towers, electrical transmission line towers, and similar alternative mounting structures that camouflage or conceal the presence of antennas or towers associated with a Wireless Communication Facility.
 - b. **Antenna/Antenna Array:** A device used in communication that transmits or receives radio or electromagnetic frequency signals. A system of one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency (RF) signals through electromagnetic energy. These include, but are not limited to, omnidirectional antennas (whip or rod), directional antennas (panel) and parabolic antennas (dish or disc).

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- c. **Antenna Support Structure:** Any pole, telescoping mast, tower tripod, or other structure that attaches to a tower and supports one or more antenna(s).
- d. **Designated Scenic Resource:** A specific location, view, or corridor as identified as a scenic resource in Raymond's Comprehensive Plan or by a State or federal agency that consists of (1) a three dimensional area extending out from a particular viewpoint on a public way or within a public recreational area, focusing on a single object such as a mountain, resulting in a narrow corridor or a group of objects such as a mountain range resulting in a panoramic view corridor; or (2) lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint on a public way or within a public recreational area.
- e. **Equipment Facility:** Any structure used to contain ancillary equipment for a wireless communication facility, including cabinets, shelters, a build out of an existing structure, pedestals and other similar structures.
- f. **Existing Non-Conforming Wireless Communication Tower (NCWCT):** A wireless communication tower existing as of the adoption of these standards (3/20/99) that does not meet the standards contained herein including but not limited to tower height.
- g. **Existing Conforming Wireless Communication Tower (CWCT):** A wireless communication tower existing as of the adoption of these standards (3/20/99) that meets the standards contained herein including but not limited to tower height.
- h. **FAA:** Federal Aviation Administration
- i. **FCC:** Federal Communication Commission
- j. **Height, Wireless Communications Facility Tower or Alternative Tower Structure (ATS):** The vertical distance measured from the lowest point within twenty-five (25) feet of the base of the structure on the ground to the highest point of the tower or ATS, including the base pad, all antennas and other attachments. When towers are mounted upon buildings or other structures, the total vertical height is measured from the lowest point within twenty-five (25) feet of ground level of the building or structure to the highest point of all appurtenances on the tower.
- k. **New Tower:** A wireless communication tower that is constructed after the adoption of these standards (3/20/99).
- l. **Normal Maintenance:** The regular, routine maintenance of a WCF including but not limited to changing light bulbs, plowing and maintaining the existing access road and gate, fence repair and maintenance, maintenance of the buffer, replacing an existing antenna with a functionally equivalent antenna, and changing or repairing electronic components contained within an existing building (not a WCT) to similar electronic components that do not increase the broadcast capacity of the WCF in excess of the exemption standards contained in FCC Office of Engineering and Technology (OET) Bulletin #65. This definition

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specifically includes painting provided that the painting is done in accordance with the standards established in Section 7 (b) (1) of this Section S. This definition specifically excludes widening an access road, increasing tower height, replacing light fixtures, and increasing the broadcast capacity of a WCF in excess of the exemption standards contained in FCC OET Bulletin #65.

- m. **Wireless Communications:** Any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes FCC licensed commercial wireless telecommunications services including but not limited to telecommunications services, radio or television signals, or any other spectrum-based transmissions/receptions, cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, radio, television and similar services that currently exist or that may in the future be developed.
 - n. **Wireless Communication Facility (WCF):** A facility that transmits, receives, distributes, provides or offers wireless communications together, with the facility's associated antennas, microwave dishes, horns, cables, wires, conduits, ducts, lightning rods, electronics and other types of equipment for the transmission, receipt, distribution or offering of such signals, wireless communication towers, antenna support structures, and other structures supporting said equipment and any attachments to those structures including guy wires and anchors, equipment buildings, generators, parking areas, utility services, driveways and roads and other accessory features.
 - o. **Wireless Communication Tower- Co-Located:** A Wireless Telecommunications Tower or ATS supporting one or more antennas/ antenna array(s) and owned or used by more than one public or private entity. A Co-Located Tower may include two (2) or more antenna array(s) serving the same company provided that the applicant can demonstrate to the Planning Board that separate levels are a practical necessity.
 - p. **Wireless Communication Tower (WCT):** A structure designed and constructed specifically to support an antenna array that provides Wireless Communication. A tower may be a monopole, self-supporting (lattice) tower, guy-wire support tower or other similar structure, and includes all supporting lines, cables, wires, and braces.
3. **REVIEW and APPROVAL AUTHORITY.** No construction, alteration, repair or change shall occur on any Wireless Communication Facility without written approval from the Raymond CEO or Planning Board as follows;
- a. **Normal Maintenance,** as defined in this Section S, is allowed without a permit from the CEO or Planning Board.
 - b. No construction, alteration, repair or change shall occur on any Wireless Communication Facility unless all required permits are obtained including but not limited to any federal or state permits.
 - c. **Planning Board review and approval is required for the following:**
 - 1) Any WCF that does not exist as of the adoption of these standards (3/20/99).

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- 2) Any additional antenna or antenna array(s) or increase in broadcast capacity in excess of the exemption standards contained in FCC OETC Bulletin #65 on any WCF not previously and specifically approved by the Planning Board.
 - 3) Any alteration to an existing NCWCT that requires Planning Board review as established in Section 9 entitled "Alterations to Existing Facilities".
 - 4) Any increase to the tower height not previously and specifically approved by the Planning Board.
- d. A building permit, in accordance with the standards established in Section 4 entitled "Building Permit Requirements", must be obtained from the Raymond CEO for the following;
- 1) Construction of a WCF that does not exist as of the adoption of these standards (3/20/99).
 - 2) Any alteration to an NCWCT except normal maintenance (see definition).
 - 3) Any WCF application approved by the Planning Board.
4. BUILDING PERMIT REQUIREMENTS. The Raymond CEO shall ensure that the following requirements are met prior to the issuance of a Building Permit for a WCF.
- a. Submission Requirements. The applicant shall submit the following to the CEO;
- 1) Names, addresses, phone numbers and other means of contacting companies and persons that will function as contacts for the required inspections and monitoring of the WCF.
 - 2) Any applicable plans or information deemed necessary by the CEO to issue a permit for the WCF in accordance with these standards. This may include plans and information from a professional engineer at the applicant's expense.
 - 3) For any permit request to construct a Co-Located WCT in excess of the maximum height permitted for a single use tower, the applicant will submit to the CEO executed agreements documenting commitments to co-locate from the number of co-locators approved by the Planning Board.
 - 4) For any permit request to construct a Co-Located WCT in excess of the maximum height permitted for a single use WCT, the applicant must submit evidence that the Tower can structurally support a minimum of two (2) antenna arrays for each anticipated co-locating entity.
 - 5) For any permit request involving an existing NCWCT, the applicant shall supply information regarding the estimated construction cost of the tower prior to the proposed alterations and the estimated construction cost of the tower after the proposed alterations. For the purposes of determining the estimated construction cost for this section, the cost shall be based on a complete rebuild of the existing tower excluding the cost of any electronic equipment and antenna/ antenna array(s) (see also Section 9 (b) entitled Alterations to Existing Non-Conforming WCT's).
- b. The Raymond CEO shall not issue a permit for the construction of a new Wireless Communication Facility or any change to an existing Wireless Communication Facility that requires Planning Board review until the Planning Board has approved the facility and all applicable conditions have been met.

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- c. The CEO shall not issue a building permit for a WCF unless all required permits are obtained and filed with the town including but not limited to any applicable federal or state permits or licenses.
- d. In the event that an applicant proposes to add capacity, the Raymond CEO may issue a permit for additional antenna(s), antenna array(s) or broadcast capacity if the facility has been previously and specifically approved by the Planning Board for the requested changes. The Planning Board approval must specifically state that this capacity is allowed and the allowed time period during which CEO may issue a permit for the additional capacity. Any increase in broadcast capacity in excess of the exemption standards contained in FCC OET Bulletin #65 must be previously and specifically approved by the Planning Board.
- e. The CEO shall have the authority to use professional and technical services to review proposed plans and to inspect the construction of an approved project. The applicant shall pay all costs incurred for these review and inspection services.
- f. If inspections and/or proof of insurance is required by the Planning Board, all necessary forms and inspection schedule(s) shall be submitted.
- g. If the Planning Board required a performance guarantee and/ or abandonment/ removal bond for the proposed WCF, the amount and type of the bond(s) as required by the Planning Board shall be received and found acceptable by the CEO prior to the CEO taking action on any building permit application.
- h. For any NCWCT, the CEO shall keep records of the repairs made to each Tower to determine whether or not Planning Board review is required as established in section (9)(b) below entitled "Alterations to existing Non-Conforming WCT's". In order to ensure that the information provided by the applicant for this standard is accurate, the CEO shall have the authority to require third party review of the information submitted by the applicant, as authorized below in Section (5)(d) entitled "Third Party Authority".

5. PLANNING BOARD REVIEW.

- a. In all cases, the burden of proof shall be on the applicant to demonstrate to the Planning Board that the required standard(s) have been met.
- b. Procedure. The applicant shall submit all of the items listed below in Section (5)(f) entitled "Submission Requirements" for all applications to the Raymond CEO. If an applicant proposes a new tower, items 1 through 3 in Section (6)(a) entitled "New Tower Requirements- Submission Requirements" must also be submitted to the CEO. The applicant must submit, in writing, request(s) for any waivers to the submission requirements.

Once the CEO has determined that the application is complete, the Planning Board shall review the submitted materials at the next available regular Planning Board meeting. Once the Planning Board has determined that there is sufficient information to make a determination as to whether or not co-location is a feasible option possible, the Planning Board shall make the determination as outlined below in "Co-Location Determination". When the Planning Board has resolved

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the co-location, the applicant shall submit the required submissions to the Planning Board and the Board shall review the application as established in Section (5)(e) below entitled "Planning Board Review Standards".

- c. Co-location Determination. In accordance with the purposes stated above, Raymond's Wireless Communication standards strongly encourage co-location on existing tower structures, on ATS's, on new towers on existing tower sites, or modifying an existing WCT to accommodate additional antenna/ antenna array(s) or increased broadcast capacity. Proposals for the siting of WCF's or antennae on existing towers or ATS'; or at locations that presently have WCT's are favored over proposals for construction of new towers on sites where towers do not presently exist.

The Planning Board review process guides WCF applicants towards co-location and requires the applicant to prove, among other factors, that their proposed antennas or facilities can not be accommodated by existing tower structures. The Planning Board shall have the authority to determine whether or not co-location is a reasonable, practical and feasible option based on the following;

- 1) Required submissions stated below in Section (5)(f) entitled "Submission Requirements" for all applications;
- 2) The purposes for these WCF standards stated above in Section 1 entitled "Purpose";
- 3) The Planning Board's interpretation of the information provided by the applicant in submissions 1 through 3 required below in Section (6)(a) entitled "New Tower Requirements- Submission Requirements".

The Planning Board shall determine, by a vote, whether or not co-location will be required. If the Planning Board determines that co-location will not be required, the application can be considered under Section 6 entitled "New Tower Requirements".

d. Third Party Authority. The Planning Board shall have the authority to require that information and documentation relating to the required submissions, review guidelines, and performance standards be provided to the Planning Board by a third-party professional at the expense of the applicant to ensure that the requirements of this section and the zoning ordinance are met and maintained. The qualified third party shall, at the request of the Planning Board, verify the accuracy of the information presented by the applicant to the Board. This third party authority shall specifically include verification of the information, facts, and costs associated with determining whether or not co-location is a feasible option.

The Planning Board shall have the authority to choose the third party or parties deemed necessary by the Planning Board to review the application. The Planning Board may require a peer review. If the Planning Board determines that such peer review is insufficient, the Planning Board shall have the authority to require a more comprehensive and independent review. The cost of the peer review or independent review shall be borne by the applicant.

- e. Planning Board Review Guidelines. The Planning Board may require that the applicant submit documentation, in writing, that the guidelines established below

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will be met and maintained. The Planning Board will be guided in its consideration of a WCF application by the following parameters:

- 1) All standards contained in Article X of this Ordinance entitled Site Plan Review including but not limited to "Criteria and Standards" and "Performance Standards".
- 2) All standards contained in Section 7 of these WCF standards entitled "Performance Standards".
- 3) The height of the proposed tower, alteration or other necessary structure does not exceed that which is essential for its intended use.
- 4) The proximity of the tower and impact to residential development or zoning districts shall be minimized.
- 5) The nature of uses on adjacent and nearby properties shall be reviewed and the impact of the WCF minimized.
- 6) The WCF shall minimize changes to the existing natural topography to the maximum extent feasible and shall take into consideration the surrounding topography.
- 7) The WCF shall utilize the surrounding tree coverage and foliage as a buffer. Removal of mature trees shall be strongly discouraged.
- 8) The design of the WCF including the tower, antenna, antenna array(s) and any functionally dependent structures shall have the effect of reducing or eliminating visual obtrusiveness.
- 9) The WCF shall minimize visual impacts on view sheds, ridge lines, and other impacts by means of tower location, tree and foliage clearing and placement of incidental structures.
- 10) The proposed WCF facility will not unreasonably interfere with the view from any public park, natural scenic vista, historical building, major view corridor or Designated Scenic Resource
- 11) The proposed facility is not constructed in such a manner as to result in unnecessary height, mass, and guy-wire supports, with documentation having been provided and reviewed regarding the design capacity and/ or the remaining co-location capacity of the tower/ facility.
- 12) The time period that the applicant is permitted to complete the project shall be determined by the Planning Board.
- 13) Based on information submitted by the applicant, the Planning Board shall ensure that mitigation measures have been utilized to screen antennas and towers from view from public rights-of-way or scenic vistas, either via landscaping, fencing or other architectural screening.
- 14) Based on information submitted by the applicant, the Planning Board shall ensure that creative design measures have been employed to camouflage facilities by integrating them with existing buildings and among other uses.
- 15) Based on information submitted by the applicant, the Planning Board shall ensure that other technically feasible sites have been investigated and, if available, the proposed facility has been relocated in order to minimize the effect of the location on visually sensitive areas such as residential communities, historical areas and open space areas.
- 16) An inspection schedule acceptable to the Planning Board shall be established.

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- 17) A performance guarantee and/ or removal guarantee in accordance with Section 8 entitled "Additional Standards & Criteria" may be required by the Planning Board.
- 18) The WCF will not unreasonably or significantly affect or de-value neighboring property(s).
- 19) The Planning Board shall consider the vantage points chosen by the applicant as part of the visual analysis required in Section 6 entitled New Tower Requirements. If the Planning Board determines that additional vantage points should be considered, the applicant shall complete the visual analyses for these locations for the Boards consideration.

f. Submission Requirements For All Applications.

- 1) All relevant submissions, as determined by the Planning Board, contained in Article X of this Ordinance entitled Site Plan Review.
- 2) A proposal to construct or modify a wireless communication tower must include evidence of a commitment from a duly licensed entity to utilize the tower to provide wireless communication services. All wireless communication entities that are contracted to locate on the tower must join as applicants.
- 3) Written approval by all applicable state and federal agencies, including but not limited to the FAA and FCC, including a description of any conditions or criteria for the approval, or a statement from the agency that no approval is required.
- 4) An inventory of all of the provider's existing and approved towers, antennas or sites within the Town of Raymond and locations in surrounding communities where wireless telecommunications are proposed to be utilized in conjunction with the facility proposed in the application.
- 5) Service area maps or network maps of the applicant's existing and proposed facilities in Cumberland, Androscoggin, and Oxford Counties.
- 6) Identify any other telecommunication facilities existing or proposed on the site.
- 7) Details of all existing or proposed accessory structures including buildings, parking areas, utilities, gates, access roads, etc.

6. NEW TOWER REQUIREMENTS.

a. Submission Requirements.

- 1) Evidence that written notice was sent, by pre-paid first class United States mail, to all other such tower and alternative tower structure owners and licensed wireless communication providers in the Town utilizing exiting towers and ATS's and to owners of such towers and ATS's within a 1 mile search radius of the proposed tower. This notice shall state the applicant's siting needs and request information the co-location capabilities of the existing or previously-approved facilities. Evidence that this notice requirement has been fulfilled shall include a name and address list, copy of the notice that was sent, and a statement, under oath, that the notices were sent as required.

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- 2) Evidence that existing or previously approved towers and alternative tower structures within the Town and search area cannot accommodate the communications equipment (antennas, cables, etc.) planned for the proposed tower. Such evidence should be documentation from a qualified and licensed professional engineer that:
 - a) Planned necessary equipment would exceed the structural capacity of existing and approved towers and alternative tower structures, considering the existing and planned use of those towers and alternative tower structures, and the existing and approved towers cannot be reinforced or enlarged to accommodate planned or equivalent equipment at a reasonable cost;
 - b) Planned equipment will cause electromagnetic frequency interference with other existing or planned equipment for that tower or alternative tower structure, and the interference cannot be prevented at a reasonable cost;
 - c) Existing or approved towers and alternative tower structures do not have space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or approved; or
 - d) Other documented reasons that make it technically or financially unfeasible to place the equipment planned by the applicant on existing and approved towers and alternative tower structures.
- 3) Evidence that the proposed tower cannot be co-located on existing or previously approved tower sites. Evidence should include an assessment of whether such tower sites could be changed to accommodate the proposed tower, and a general description of the means and projected cost of shared use of the existing or approved tower site.
- 4) A report from a Registered Professional Engineer in the State of Maine that describes the tower, the technical reasons for the tower design and the capacity of the tower, including the number(s), type(s), and volume(s) of antenna(s) that it can accommodate and the basis for the calculation of capacity.
- 5) A letter of intent that commits the tower owner and his or her successors in interest to:
 - a) respond in a timely, comprehensive manner to a request for information from a potential co-location applicant;
 - b) negotiate in good faith for shared use by third parties that have received an FCC license or permits; and,
 - c) allow shared use if an applicant agrees in writing to pay reasonable charges.
- 6) Proof of financial capacity to build, maintain, and remove the proposed tower must be submitted.
- 7) Photos showing site vegetation, existing and adjacent structures, views of and from the proposed site, topography, and land uses on the proposed parcel and on abutting properties.

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- 8) Landscaping plan reflecting location of proposed screening and fencing, planting areas, proposed plantings, existing plant materials to be retained and trees or shrubs to be removed.
 - 9) Elevation drawings, cross-sectional area or silhouette, of the facility, drawn to scale, and showing all measurements, both linear and volumetric, showing front, sides and rear of the proposed facility including all fencing, supporting system for transmission cables running between the tower and accessory structures, control panels, antennas, and existing structures and trees. Reference any design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - 10) Detail of the tower base or method of attachment to a structure. If the facility will be attached to an existing building or structure, provide measurements and elevations of the structure.
 - 11) A visual analysis, which may include photo montage, field mock up, or other techniques, that identifies the potential visual impacts, at design capacity, of the proposed facility. This visual analysis shall include sufficient information for the Planning Board to determine how the proposed site will visually change. The analyses should include before and after analyses of the site from adjacent public views and roads as well as from adjacent vantage points. Consideration shall be given to views from public areas as well as from private residences and from archaeological and historic resources including historic districts, areas and structures, specifically those listed in the National Register of Historic Places or those that are eligible for such listing. The analysis of the impact on historical and archaeological resources shall meet the requirements of the Maine State Historic Preservation Officer in his/her review capacity for the FCC. The overall analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable communication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed Wireless Communication Service.
- b. Location- Any Wireless Communication Tower not existing as of the date of adoption of this Ordinance (3/20/99) shall conform to the following standards.
- 1) Wireless communication facilities shall not be sited in areas of high visibility unless the Planning Board finds that no other location is technically feasible. If the facility is to be sited above the ridge line, it must be designed to minimize its profile by blending with the surrounding existing natural and man-made environment to the maximum extent possible using available materials, natural buffers, and the Tower location site.
 - 2) No facility shall be located so as to create a significant threat to the health or survival of rare, threatened or endangered plant or animal species.
 - 3) Towers are allowed in the Rural(R), Village Residential (VR-I), and Village Residential-II (VR-II) zoning districts provided that the tower base shall not be located at or above six-hundred (600) feet above mean sea level on the following hills identified in the Raymond Comprehensive Plan adopted in

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- 1991; Ledge Hill, Pismire Mountain, Raymond Hill, Tarklin Hill, Tenny Hill, and the foothills of Rattlesnake Mountain. The Planning Board shall not have the authority to waive this standard.
- 4) Towers are specifically prohibited from the following zoning districts; Commercial, Industrial, Rural Residential, Limited Residential I and II, and any Shoreland Zone. The Planning Board shall not have the authority to waive this standard.
- c. Tower Height. Any Wireless Communication Tower not existing as of the date of adoption of this Ordinance (3/20/99) shall conform to the following standards.
- 1) Towers shall not exceed thirty (30) feet above the existing mature tree line immediately adjacent to the tower. The Planning Board shall have the authority to determine the height of the existing mature tree line based on information provided to the Board by the applicant and, if deemed necessary, verified by the Planning Board.
 - 2) Only the minimum height necessary to accomplish the technical needs of the applicant shall be approved by the Planning Board.
 - 3) Towers shall not exceed a height of seventy-five (75) feet, except that where evidence of acceptable design and co-location is provided, the Planning Board may approve an additional twenty-five (25) feet of tower height per each additional wireless communication service co-locator, not to exceed a maximum tower height of one hundred and twenty-five (125) feet. The Planning Board shall not have the authority to waive this standard.
 - 4) Installing antennas on alternative tower structures is permitted provided that the resulting ATS height does not exceed a maximum height of one hundred and twenty-five (125) feet and that the tower does not extend more than thirty-five (35) feet higher than the present highest point of the building or structure. The Planning Board shall not have the authority to waive this standard.
 - 5) Notwithstanding the height and setback limitations within a zoning district, in order to accommodate the co-location of an additional antenna, a tower, existing as of the adoption of these standards (3/20/99), may be modified or rebuilt to a taller height, not to exceed a total maximum of thirty (30) feet more than the tower's height as of the date of adoption of these standards, but only if that additional height will not result in a requirement for any new lighting or obstruction painting.
- d. Space and Bulk Requirements. Any Wireless Communication Facility not existing as of the date of adoption of these standards (3/20/99) shall conform to the following standards.
- 1) Mounting and Dimensions - The mass and dimensions of antennas on a tower or alternative tower structure shall be governed by the following criteria:

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- a) Whip antennas shall not exceed 20' in length for an individual antenna, and shall be limited to two (2) per mount, with no more than three (3) mounts at a given level;
 - b) Microwave dish antennas. The aggregate diameters of microwave dish antennas mounted within a 20' vertical section of a tower may not exceed 24', with no single dish being more than 8' in diameter and 5' in depth, unless otherwise required per the path reliability and/or tower structural studies;
 - c) Panel antennas. The horizontal centerline of all panel antennas of a single carrier must be aligned in the same horizontal plane, with each antenna not to exceed 8' in length nor 2' in width;
 - d) Panel antenna mass per array. The mass of antennas, including required antenna support structures, on a tower shall not exceed five hundred (500) cubic feet per antenna array, with no one dimension exceeding fifteen (15) feet per array. The mass shall be determined by the appropriate volumetric calculations using the smallest regular rectilinear, cuboidal, conical, cylindrical, or pyramidal geometric shapes encompassing the perimeter of the entire array and all of its parts and attachments.
- 2) Lot Area: A new wireless communications tower shall not be constructed on a lot that does not conform to the minimum lot area required in the zoning district even if such lot is a lawful non-conforming lot of record.
- 3) Access. The Planning Board shall have the authority to review and approve the access to the tower site. If the Planning Board determines that there may be future development on the access road to the tower, it may require a fifty (50) foot Right of Way. Road access to the telecommunication site shall be the minimum size necessary to allow safe access
- 4) Setbacks.
- a) The center of the tower base shall be set back from all structures by a distance of at least one hundred (100%) percent of the total tower height. Equipment facilities and other non-residential structures deemed functionally dependent by the Planning Board for the WCF may be permitted within the fall-down zone if desired by the applicant. If guy wires are used, they shall meet the applicable building setback from the property line.
 - b) If the site is leased, a fall-down zone easement, approved by the Planning Board and recorded in the Registry of Deeds, may be acceptable. Such fall-down easements shall prohibit any structures, existing or in the future, within the area 100% of the total tower height. Easements on several parcels may be acceptable provided that the fall-down easements cover the area within one hundred (100%) percent of the total tower height.
 - c) Equipment facilities shall meet the required District setback.
 - e) There shall be no setback requirements for antennas mounted on alternative tower structures. The standard District setbacks shall continue to apply for alternative tower structures and equipment facilities, where applicable.

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7. **PERFORMANCE STANDARDS.** All applications requiring Planning Board review shall meet and maintain the following performance standards to the maximum extent possible as determined by the Planning Board.

a. **Structural Design Standards**

- 1) Any new single-use tower shall be designed to structurally support a minimum of two (2) additional antenna arrays.
- 2) Communication towers shall be designed and installed in accordance with the most current standards of the Electronic Industries Association (EIA) Structural Standards for Steel Antenna Towers and Antenna Supporting Structures.
- 3) The applicant's engineer shall provide documentation showing that the proposed WCT meets or exceeds the most current standards of the American National Standards Institute ANSI/EIA/TIA-222 for Cumberland County relative to wind and ice loads when the tower is fully loaded with antennas, transmitters, and other equipment as described in the submitted plan.
- 4) For towers or antennas placed on buildings or alternative tower structures, the applicant shall also provide written certification from a structural engineer that the building or ATS itself is structurally capable of safely supporting the tower, antennas, their accompanying equipment and ice and wind loads.
- 5) A proposal to construct a new Co-located WCT taller than the maximum height permitted for a single wireless communication service must include evidence that the tower can structurally support a minimum of two (2) antenna arrays for each anticipated co-locating entity. (Section (6)(c) entitled "Tower Height".)
- 6) **Radiation Emission Standards.** The design, siting and operation of the tower and any related structures must assure that all potentially hazardous radiation are controlled or contained, and that radiation levels are at safe levels as determined by applicable State and Federal standards.

b. **Aesthetics**

- 1) Except where dictated by Federal or State requirements, the Planning Board may require that a proposed tower be camouflaged or designed to blend with its surroundings. This may include, but is not limited to, having a galvanized finish, being painted "flat" blue gray or in a skytone above the top of surrounding trees and earthtone below treetop level.
- 2) Equipment facilities shall be adjacent to the tower base unless an alternative location will be less visually obtrusive or topographic considerations require an alternative location.
- 3) Equipment facilities shall be no taller than one story in height and shall be created to look like a building or facility typically found in the area.
- 4) If lighting is required by State or Federal regulations, the Planning Board may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding properties and views.
- 5) Antenna arrays and microwave dishes located on an alternative tower structure shall be placed in such a manner so as to be as indistinguishable as

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possible from the current appearance of the existing structure as viewed from the ground level adjacent to the ATS. If, however, circumstances do not permit such placement, the antenna array and dishes shall be placed and colored to blend into the architectural detail and coloring of the host structure.

- 6) The Planning Board may require special design of the facilities where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures, views and/or community features).
- 7) If more than one tower is proposed on a single lot or parcel, they shall be clustered as closely together as technically possible.
- 8) Buffering Requirements. Vegetative buffering must be provided to screen, at ground level, the tower including any accessory buildings and structures from adjacent land uses. The preservation of existing mature vegetation, especially trees, is strongly encouraged by the Planning Board. If existing vegetation at the time of the application does not provide adequate buffering, as determined by the Planning Board, to minimize visual impact of the structure, the Planning Board may require the applicant to provide, at the applicant's expense, a visual impact analysis by a qualified professional, who will provide a written recommendation to the Planning Board for approval.

All telecommunication facilities shall maintain the required setbacks as undisturbed vegetated buffers, except for the access road. The Planning Board may require additional plantings in the buffer area(s) to enhance the quality and effectiveness of the buffer area to serve as a visual screen. The size and quantity of plantings shall be subject to Planning Board approval.

c. Safety/ Security

- 1) Sufficient anti-climbing measures and other security measures preventing access to the site shall be incorporated into the facility, as needed, to reduce the potential for trespass and injury.
- 2) Manually operated or motion detecting security lighting is permitted.
- 3) A chain-link (security) fence at least eight feet in height from the finished grade shall be provided around any tower.
- 4) Access to tower(s) shall be through a lockable gate. Roof mounted towers are exempt.

8. ADDITIONAL STANDARDS & CRITERIA

- a. Performance Guarantee. Any application that required Planning Board review and approval may be required to post a performance guarantee for the development, construction, or modification to the WCF. The Planning Board shall determine whether or not a performance guarantee is required based on the Board's assessment of the potential of the project to cause the Town to incur expenses, such as to stabilize the site if the project is not completed.

The amount of the guarantee shall be sufficient to return the land to a condition as near to the original pre-construction condition as possible as determined by the Planning Board. The amount of the guarantee shall be determined by the Planning Board based on estimates from independent contractors. The type of

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guarantee shall be approved by the Town Manager. The guarantee shall be released only as authorized by the Planning Board.

b. Guarantee for Removal of Abandoned Wireless Communication Facilities.

The applicant for a new tower shall post a performance guarantee in the form of a continuous corporate surety bond or an escrow account in favor of the Town equal to 125% of the estimated demolition and removal cost of the tower and associated facilities if abandoned at any time by the applicant. Estimates of demolition and removal costs shall be provided by an independent contractor and shall not be based on services being provided by Town employees and Town equipment.

The amount of the guarantee shall be approved by the Planning Board and shall be sufficient to return the land to a condition as near to the original pre-construction condition as possible as determined by the Planning Board. All above ground structures, equipment, foundations, guy anchors, utilities and access roads or driveways specifically constructed to service the tower, structures, equipment or utilities shall be removed, and the land returned to a condition as near to the original pre-construction condition as possible. The type of the guarantee shall be approved by the Board of Selectpersons. The Board of Selectpersons shall have the authority to require either a certified check payable to the Town of Raymond, a savings account passbook issued in the name of the Town or a faithful performance bond running to the Town of Raymond and issued by a surety company authorized to do business in Maine and acceptable to the Board of Selectpersons.

All performance guarantees shall be on a continuous basis, with any provision for cancellation to include that a minimum 30 day notice of cancellation or non-renewal be sent by certified mail to the Town of Raymond. The performance guarantee covering such removal shall be for a minimum term of five years. It must contain a mechanism, satisfactory to the Planning Board, for review of the cost of removal of the structure every five years, and a mechanism for increasing the amount of the guarantee should the revised cost estimate so necessitate.

c. Removal and Storage of Materials

- 1) All used structural and electronic components shall be removed and properly disposed of once they have exceeded their useful life and are no longer in use. This standard includes, but is not limited to, removing used guy wires, used fence parts, and structural components for towers.
- 2) Outside storage of materials shall not be permitted except as specifically approved by the Planning Board.

9. ALTERATIONS TO EXISTING FACILITIES

- a. Alterations to New or Existing Conforming Wireless Communication Towers. Any conforming wireless communications tower and its related buildings may perform normal maintenance and repairs without a permit from the CEO.

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Planning Board review and approval in accordance with the standards established in subsection 5 of this Section S entitled "Planning Board Review" is required if any of the following changes are proposed:

- 1) Any increase in the number or size of antenna(s)/ antenna array(s) or broadcast capacity in excess of the exemption standards contained in FCC OET Bulletin #65;
 - 2) Any increase in tower height;
 - 3) Any change to tower lighting or existing buffering;
 - 4) Any change to the access road or the size (square feet or volume) of any structure on site.
- b. Alterations to Existing Non-Conforming Wireless Communication Tower. Any change to a non-conforming wireless communication tower shall comply with the following standards:
- 1) The normal maintenance of wireless communication towers existing as of the adoption of these standards (3/20/99) is permitted provided that all applicable standards are met;
 - 2) Any change except normal maintenance requires a permit from the CEO. This includes but is not limited to the replacement of any structural or functional component on or attached to a WCF;
 - 3) Planning Board review is required as established in Section (5)(b) entitled "Planning Board Review Procedure" for any of the following alterations:
 - a) An increase in tower height;
 - b) Any change to tower lighting or existing buffering;
 - c) Any change to the access road or the size (square feet or volume) of any structure on site.
 - 4) If an applicant requests a permit from the CEO that has the effect of altering, repairing, maintaining, or changing the WC tower to the extent that fifty (50) percent or more of the construction cost of the tower would be replaced, repaired, or altered during the past ten (10) year period, then Planning Board review in accordance with the procedure established in Section (5)(b) entitled "Planning Board Review Procedure" is required.
 - 5) If Planning Board review is required as established above due to the 50% standard, the Planning Board shall have the authority to allow an existing tower to be altered, repaired, replaced or rebuilt provided that the following conditions are met as determined by the Planning Board:
 - a) The Planning Board shall not have the authority to allow an increase to the existing towers non-conformity;
 - b) The burden of proof shall be on the applicant to demonstrate to the Planning Board that the existing non-conforming tower can not be changed to conform, as much as practical, to the present standards;
 - c) The burden of proof shall be on the applicant to demonstrate to the Planning Board that it is not technically feasible to provide wireless communication service in accordance with the standards contained in this Section S entitled Wireless Communication Facilities. If the Planning Board determines that there is no technically feasible option of providing Wireless communication Service without allowing the Non-Conforming

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Tower to be permitted, the Planning Board shall only allow the minimum amount of non-conformity necessary to permit the Wireless Communication Service Provider to provide the services to customers.

- c. If an applicant proposes to increase the number or size of antenna/ antenna array(s), add antenna/ antenna array(s), or increase broadcast capacity (in excess of the exemption standards contained in FCC OET Bulletin #65) to an existing Non-Conforming Wireless Communication Tower, Planning Board review and approval is required in accordance with the following guidelines:
 - 1) The applicant shall submit evidence to the Planning Board indicating whether or not the 50% standard established in subsection 9 (b) (4) above in this Section S will be met as a result of the proposed change. If the CEO determines that the 50% standard will be exceeded as a result of the proposed change, the applicable review process is required;
 - 2) If the CEO determines that the 50% standard will not be exceeded as a result of proposed change, the applicant shall submit the following information to the Planning Board for their review:
 - a) Submission requirements contained in subsection 5(f) of this Section S entitled "Submission Requirements" numbers 1, 2, and 3;
 - b) Submission requirements contained in subsection 6(a) of this Section S entitled "Submission Requirements" numbers 6, 7, 9, and 11.
 - 3) The Planning Board shall review the information submitted by the applicant and review the application in accordance with the following guidelines established in subsection 5(e) of this Section S entitled "Planning Board Review Guidelines"; numbers 1, 4, 5, 7, 8, 11, 12, 16, and 18;
 - 4) In reviewing an application under this subsection 9(c), the applicant shall design the proposed changes to meet the standards contained in this Section S to the maximum extent feasible. This specifically includes the standards established in subsection 6(d)(1) entitled "Mounting and Dimensions" and subsection 7 entitled "Performance Standards" in this Section S. The Planning Board shall have the authority to determine whether or not the standards contained in this Section S have been met to the maximum extent feasible;
 - 5) The Planning Board shall have the authority to require the establishment of or revision to a performance bond(s) as established in subsection 8(a) and (b) of this Section S entitled "Performance Guarantee" and "Guarantee for Removal of Abandoned Wireless Communication Facilities".

10. INSPECTIONS

- a. Inspections of towers by either a Registered Professional Engineer in the State of Maine or a qualified third party mutually agreed upon by the applicant and the Raymond CEO/ Town Engineer shall be performed to assess structural integrity. Such inspections shall be performed as follows:
 - 1) Monopole towers - at least once every seven (7) years following completion of construction. The inspection shall take place between the sixth and seventh year of the repeat sequence.

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- 2) Self-supporting towers - at least once every five (5) years following completion of construction. The inspection shall take place between the fourth and fifth year of the repeat sequence.
- 3) Guyed towers - at least once every three (3) years following completion of construction. The inspection shall take place between the second and third year of the repeat sequence.
- b. The inspection report shall be submitted to the Town Engineer/CEO within thirty (30) days of its receipt by the tower owner. Based upon the results of the inspection, the CEO, upon recommendation by the Town Engineer/CEO, may require repair or demolition of the tower.
- c. The cost of such inspections, reports, repairs or demolition required under this Section of the Ordinance shall be borne entirely by the tower owner. Required repairs shall be completed within ninety (90) days or less as required by the CEO and agreement by the Town Engineer/CEO for safety reasons.
- d. Failure to provide required inspection reports in the required time schedule shall be deemed prima facie evidence of abandonment.

11. REMOVAL OF ABANDONED WIRELESS COMMUNICATION FACILITIES

- a. The owner of a wireless communication facility shall notify the Code Enforcement Officer of the date of cessation of use of the facility or any component(s) thereof within one (1) month from the date of such cessation. If the owner fails to give the notice required by this paragraph, the Code Enforcement Officer shall make a determination of such date, which determination shall be conclusive.
- b. Any WCF or component thereof that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner of an abandoned WCF or component thereof shall remove it within ninety (90) days of receipt of notice from the Code Enforcement Officer of determination of abandonment.
- c. The applicant shall be required to post a performance guarantee in accordance with standards established in Section 8 entitled "Additional Standards & Criteria".
- d. If there are two (2) or more users of a single tower or WCF, then this provision shall not apply until all users cease using the tower or WCF.
- e. If all antennas above a manufactured connection on a tower are removed, the resulting unused portions of the tower shall subsequently be removed within six (6) months.
- f. The replacement of all or portions of a WCF previously removed requires a new site plan approval as established in Section 5 entitled "Planning Board Review".

12. WAIVER PROVISION

The Planning Board may waive any of the submission requirements based upon a written request of the applicant submitted at the time of application. A waiver of any submission requirement may be granted only if the Planning Board finds in writing that, due to special circumstances of the application, the information is not required to determine compliance with the standards of this Ordinance. The Planning Board must additionally determine that such modification or waiver would not adversely affect properties in the vicinity or the general safety and welfare of the Town. The burden of proof regarding any such modification or waiver rests solely with the applicant and must be shown to be consistent with federal and state law and with the purposes of this Ordinance.



LAND USE ORDINANCE

ADOPTED MAY 21, 1994

With Amendments Adopted:

March 16, 1996 | March 15, 1997 | March 21, 1998 | March 20, 1999
March 18, 2000 | March 17, 2001 | May 18, 2002 | May 17, 2003
May 15, 2004 | May 21, 2005 | May 20, 2006 | August 7, 2007
December 2, 2008 | June 2, 2009 | June 1, 2010 | June 7, 2011
June 5, 2012 | June 4, 2013 | June 3, 2014
June 3, 2015 | June 7, 2016 | June 6, 2017

RAYMOND PLANNING BOARD
RAYMOND, MAINE

Town of Raymond Land Use Ordinance
As adopted May 21, 1994 amended through June 6, 2017
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Town of Raymond Land Use Ordinance
As adopted May 21, 1994 amended through June 6, 2017
ARTICLE 1 – PREAMBLE

An ordinance to promote the health, safety, and general welfare of the community by regulating the use of land and the use and construction of new buildings and premises in the Town of Raymond, Maine.

ARTICLE 1 - PREAMBLE

A. Authority

This Ordinance has been prepared in accordance with the provisions of the Revised Statutes of Maine, as amended.

B. Title

This Ordinance and the accompanying Land Use Regulation Map or maps shall be known and may be cited as the "Land Use Ordinance of the Town of Raymond, Maine." This Ordinance shall consist of this document and the accompanying "Raymond Shoreland Zoning Provisions."

C. Purpose

The purpose of this Ordinance is to promote the health, safety, and general welfare of the residents of the Town; to encourage the most appropriate use of land throughout the Town; to promote traffic safety; to provide safety from fire and other elements; to provide adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to prevent housing development in unsanitary areas; to provide an adequate street system; to promote the coordinated development of unbuilt areas; to encourage the formation of community units; to provide an allotment of land area in new developments sufficient for all the requirements of community life; to conserve natural resources; prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird, and other wildlife habitat; conserve shore cover, visual as well as actual points of access to waters and natural beauty; and to provide for adequate public services, as an integral part of a comprehensive plan for municipal development.

D. Jurisdiction

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Raymond, Maine.

Town of Raymond Land Use Ordinance
As adopted May 21, 1994 amended through June 6, 2017
ARTICLE 2 – ESTABLISHMENT OF DISTRICTS

ARTICLE 2 - ESTABLISHMENT OF DISTRICTS

A. Districts

To implement the provisions of this Ordinance, the Town of Raymond is hereby divided into the following districts:

Established Districts

1. Village Residential District (VR)
2. Manufactured Housing Overlay District (MHOD) *[Adopted 5/21/05]*
3. Rural District (R)
4. Rural Residential District (RR)
5. Shorelands - This district is hereby divided into the following sub-districts.
 - a. Resource Protection District (RP)
 - b. Stream Protection District (SP)
 - c. Limited Residential - Recreation District I (LRR1)
 - d. Limited Residential - Recreation District II (LRR2)
6. General Commercial (C)
7. Industrial (I)

B. Land Use Regulation Map

The Land Use Regulation Map shall be identified by the signature of the Planning Board attested to by the Town Clerk under the following words: "This is to certify that this is the Land Use Regulation Map referred to in Article 1 of the Land Use Ordinance of the Town of Raymond, Maine, adopted on May 21, 1994.

1. If action of the Town Meeting amends the ordinance necessitating changes in district boundaries or other matter portrayed on the Land Use Regulation Map, such change shall promptly be entered on the Land Use Regulation Map and certified on the map as follows: "On (date), by action of the Town Meeting, the following (change) changes were made in the Land Use Regulation Map: (brief description of nature of change)," which entry shall be signed by the Planning Board and attested by the Town Clerk. Amendments to this Ordinance involving matters portrayed on the Land Use Regulation Map shall become effective after such change and entry has been made on said map.
2. Regardless of the existence of purported copies of the Land Use Regulation Map which may from time to time be made or published, the Land Use Regulation Map which shall be located in the office of the Town Clerk shall be the final authority as to the current Land Use Regulation status of land and water areas, buildings, and other structures in the Town.

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ARTICLE 2 – ESTABLISHMENT OF DISTRICTS

3. Where uncertainty exists as to the boundaries of districts as shown on the Land Use Regulation Map, the following rules shall apply:
 - a. Boundaries indicated as approximately following the center lines of street, highways, or alleys shall be construed to follow such centerlines;
 - b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
 - c. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
 - d. Where physical or cultural features existing on the ground are at variance with those shown on the Official Land Use Regulation Map, or in other circumstances not covered by subsections a. through c. above, the Board of Appeals shall interpret the district boundaries;
 - e. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Appeals shall permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot;
 - f. Shoreland district boundaries that do not follow street lines, platted lot lines or shore lines shall be construed as following a line measuring six hundred (600) feet back from the mean high water mark of the waterfront to which they pertain.
4. In the event that the Land Use Regulation Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Town Meeting may by resolution adopt a new Land Use Regulation Map, which shall supersede the prior Land Use Regulation Map. The new Land Use Regulation Map may correct drafting or other errors or omissions in the prior Land Use Regulation Map. The new Land Use Regulation Map shall be identified by the signature of the Planning Board attested by the Town Clerk, under the following words: "This is to certify that this Land Use Regulation Map adopted _____ supersedes and replaces the Land Use Regulation Map adopted (date of adoption of map being replaced) as part of the Land Use Ordinance of the Town of Raymond, Maine." The superseded Land Use Regulation Map shall be preserved together with all available records pertaining to its adoption or amendment.

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ARTICLE 3 - CONFORMANCE WITH ORDINANCE

ARTICLE 3 - CONFORMANCE WITH ORDINANCE

The terms and requirements contained in this Land Use Ordinance, and in any amendment thereto, shall be applicable to the use of any building, structure or land, or any part thereof, and to the location, construction, erection, reconstruction or structural alteration of any building or structure, within the Town of Raymond after the effective date of this Ordinance, being March 13, 1971, or of any amendment thereto, provided that nonconforming uses and certain small lots shall be grandfathered in accordance with the following provisions:

A. Non-Conforming Uses

1. Continuance of Non-Conforming Uses

- a. The use of land, building or structures existing and lawful at the time of adoption or subsequent amendment of this Ordinance, may continue although such use does not conform to provisions of this Ordinance. A lawful non-conforming building or use may be repaired, maintained or improved, but the non-conforming use may not be extended or expanded except in conformity with the provisions of this Ordinance.
- b. Any lawful non-conforming building may be continued and maybe expended by thirty (30) percent by area or volume within the setback requirements of the size existing at the time of adoption of this Ordinance provided that the expansion is attached to the existing structure, does not increase the degree of non-conformity of the structure and that all other setback requirements in the appropriate zone are met. Further reasonable expansion up to an additional seventy (70) percent of the size existing at the time of adoption of this Ordinance may be authorized as provided herein. The addition of a traditional basement shall not be considered an expansion unless it is a daylight (walk in) basement or raises the structure more than three (3) feet above its original elevation. *[Amended 5/19/90]* Board of Appeals shall either grant or deny such applications treating them as requests for variances and, in addition, applying the requirements of Article 9, Section A.
- c. Any lawful non-conforming use, except lawful, non-conforming residential uses in the industrial and commercial zones, may be expanded by thirty (30) percent of the size existing at the time of

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adoption of this Ordinance provided that an increase in the number of non-conforming uses does not result. This section allows the increase in size of the structure serving the non-conforming use but is not intended to permit the addition of non-conforming uses, which were not in existence at the time this Ordinance became effective. The expansion of an otherwise conforming building to accommodate the expansion of a non-conforming use must conform to the requirements of Subsection b. above. Further reasonable expansion up to an additional seventy (70) percent of the size existing at the time of adoption of this Ordinance may be authorized as provided herein. The addition of a traditional basement shall not be considered an expansion unless it is a daylight (walk-in) basement or raises the structure more than three (3) feet above its original elevation. *[Amended 5/19/90]* Board of Appeals shall either grant or deny such applications treating them as requests for variances and, in addition, applying the requirements of Article 9, Section A.

- d. Any expansion of a non-conforming mobile home park shall conform to the space and bulk standards of the zone in which it is situated; however, no parcel shall be less than 20,000 square feet in size.

2. Discontinuation of Non-Conforming Uses

A lawful non-conforming use that is discontinued for a period of two years may not be resumed. The uses of the land, building, or structure shall thereafter conform to the provisions of this Ordinance.

- a. Change of a Non-Conforming Use - Whenever a non-conforming use is superseded by a permitted use of a structure, or structures and land in combination of land and structure shall thereafter conform to the provisions of this Ordinance and the non-conforming use or similar uses subject to the provisions of this Ordinance and the non-conforming use may not thereafter be resumed. A non-conforming use may be changed to be more compatible with uses permitted in its vicinity than the existing use.
- b. Transfer of Ownership - Ownership of land and structures, which remain lawful but become non-conforming by the adoption or amendment of this Ordinance, may be transferred and the new owner may continue the non-conforming use or similar uses subject to the provisions of this Ordinance.

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ARTICLE 3 - CONFORMANCE WITH ORDINANCE

3. Non-Conforming Lots of Record

- a. A single family dwelling may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership, and that all other space and bulk standards of this Ordinance shall be met.
- b. If two (2) or more contiguous lots or parcels are in single ownership of record at the time of adoption or amendment of this Ordinance and if all or part of the lots do not meet the dimensional and area requirements of this Ordinance, the lands involved shall be considered to be a single parcel for the purpose of this Ordinance and no portion of said parcel shall be built upon or sold which does not meet dimensional and area requirements of this Ordinance; nor shall any division of the parcel be made which creates any dimension or area below the requirements of this Ordinance. Two (2) contiguous lots in single ownership which each have an existing residential structure or structures on them at the time of the adoption of this Amendment being September 26, 1987, and which do not meet the dimensional and area requirements of this Ordinance are exempt from this section and may be divided, providing each lot is a minimum of 20,000 square feet in size.
- c. Two (2) or more contiguous lots in single ownership included within a subdivision approved by the Raymond Planning Board prior to July 17, 1974, and recorded in the Cumberland County Registry of Deeds which are required to be combined under this Ordinance may be divided provided that the division creates only two (2) resulting lots, and that the two (2) resulting lots are of equal size and that each of the resulting lots is at least 20,000 square feet in area and has at least one hundred feet of frontage. No structure that requires a variance from the setback requirements of this Ordinance shall be erected on the resulting lots and a statement setting forth this restriction shall be recorded in the Cumberland County Registry of Deeds at the time of the division. At least one of the two (2) resulting lots must be transferred into separate ownership or used for construction of a single-family residence prior to September 26, 1992, or the two (2) resulting lots shall be combined into a single lot.
- d. Notwithstanding any other provisions of this Article, any vacant lot of record as of December 30, 1986, containing at least sixty thousand

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(60,000) square feet and having two hundred twenty five (225) feet of frontage or shown on a subdivision plan approved by the Raymond Planning Board on or after July 17, 1974, and recorded in the Cumberland County Registry of Deeds may be built upon as a separate lot and need not be combined with other contiguous lots in the same ownership.

4. Restoration of Unsafe Property

Nothing in this Ordinance shall prevent the strengthening or restoring to safe condition any part of any building or structure declared unsafe by the Code Enforcement Officer, or damaged by fire or other casualty.

5. Pending Application for Building Permits

Nothing in this Ordinance shall require any change in the plans, construction, size or designated use for any building, structure or part thereof for which a building permit has been issued, provided construction shall start within six (6) months after issuance of such permit or upon which substantial construction has commenced prior to the adoption or amendment of this Ordinance.

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ARTICLE 4 - DISTRICT REGULATIONS

ARTICLE 4 - DISTRICT REGULATIONS

A. Village Residential District (VR) [*Amended 5/21/05*]

1. Intent. To provide housing in a compact residential area. The areas encompassed in this district are to be of an urban nature with neighborhood shopping services and facilities to be provided within the district. The district is established to combine the convenience of urban life with the physical amenities of rural environment. Toward the achievement of these purposes, the following minimum standards are established:
2. Permitted Uses
 - a. One-family dwelling to include modular homes (Type 2 manufactured homes) [*Amended 5/21/05*]
 - b. Duplex [*Adopted 5/21/05*]
 - c. Multi-family dwelling
 - d. Schools
 - e. Churches
 - f. Public buildings and facilities
 - g. Agriculture excepting commercial poultry and piggery operations
 - h. Accessory uses and buildings
 - i. Professional building
 - j. Nursing homes
 - k. Boarding homes
 - l. Bed and breakfast inn not to exceed five (5) rentable rooms
 - m. Elderly Housing [*Adopted 5/21/05*]
3. Conditional Uses
 - a. General store and neighborhood grocery store not to exceed one thousand (1,000) square feet of retail space including storage
 - b. Public utilities and communications facilities
 - c. Antique shops
 - d. Home occupations that conform to the requirements of Article 9, Section B. A home occupation which conforms to Article 9, Section B, and which is specifically permitted by Article 12 of this Ordinance shall be considered a permitted use.
4. Space and Bulk Regulations - The following space and bulk regulations are minimum requirements:

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- a. The minimum lot area shall be forty thousand (40,000) square feet.
[Amended 5/21/05]
 - b. Minimum Lot Area per Dwelling Unit *[Amended 5/21/05]*
 - 1) One-family dwelling or modular home – Forty thousand (40,000) square feet per unit
 - 2) Duplex – Twenty thousand (20,000) square feet per unit.
 - 3) Multi-Family Dwelling - Forty thousand (40,000) square feet for the first two units on the lot plus an additional fifteen thousand (15,000) square feet per each additional dwelling unit on the lot.
 - c. The minimum lot frontage shall be one hundred (100) feet. *[Amended 5/21/05]*
 - d. The minimum building setbacks shall be as follows:
 - 1) Front - 25 feet
 - 2) Side - 10 feet *[Amended 5/21/05]*
 - 3) Rear - 20 feet

The minimum front setback in those village areas where buildings have traditionally been sited closer to the road may be reduced to the average setback of existing principal buildings located within 500 feet and which front on the same road. *[Amended 8/7/07]*
 - e. The maximum building height shall be two and one half (2.5) stories except for barns.
5. Off-street Parking - For each of the principal and conditional uses permitted, off-street parking shall be provided in accordance with Article 9, Section C.
 6. Signs - Signs shall be permitted in accordance with the provisions of Article 9, Section L.
 7. Wireless communication facilities subject to the standards contained herein.
 8. Multi-Family Dwellings - Multi-family dwellings shall also meet the standards of Article 9, Section W. *[Adopted 5/21/05]*

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ARTICLE 4 - DISTRICT REGULATIONS

B. Mobile Home Park Overlay District (MHOD) [Adopted 5/21/05]

1. Intent. To allow mobile home parks to be developed in a number of environmentally suitable locations within the town.
2. Applicability – Properties in the Mobile Home Park Overlay District shall continue to be governed by the regulations applicable in the underlying zoning district, except as specifically modified by this Section.
3. Permitted Uses
 - a. Type 1 manufactured housing units in Mobile Home Parks
 - b. Uses allowed in the underlying zoning district
4. Space and Bulk Requirements – Mobile home parks shall meet the standards in Article 9, Section K.2, Mobile Home Parks.

C. Rural District (R)

1. Intent: The Town of Raymond has historically been a rural Town. It is the intent of this Ordinance to protect and preserve appropriate areas of Town from urban sprawl by designating uses and standards that are appropriate to a rural character.
2. Permitted Uses
 - a. One-family dwelling to include modular homes (Type 2 manufactured homes) [Amended 5/21/05]
 - b. Church
 - c. Public buildings and facilities
 - d. Agriculture including commercial poultry and piggery operations that conform to Article 9 of this Ordinance.
 - e. Accessory uses and buildings
 - f. Home occupations that conform to the requirements of Article 9, Section B. A home occupation which conforms to Article 9, Section B and which is specifically permitted by Article 12 of this Ordinance shall be considered a permitted use.
 - g. Bed and breakfast inn not to exceed five (5) rental rooms and not to serve alcohol.
 - h. Boarding homes not to exceed five (5) rentable rooms excluding family living space.
 - i. Public utility and communication facilities.

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ARTICLE 4 - DISTRICT REGULATIONS

- j. Mobile/Manufactured home fourteen (14) feet wide with a pitched roof, manufactured in 1976 or later, with frost wall, grade beam or concrete slab, which shall be designed, if a single unit, to accept T or L additions and shall be so sited so that the longest structural dimension is not more than thirty degrees (30) from parallel with the street or road upon which the lot fronts or, on a corner lot, the more heavily traveled street or road upon which the lot fronts. *[Adopted 5/16/87]*

3. Conditional Uses

- a. Cemeteries
- b. Mineral extraction that conforms to Article 9, Section E of this Ordinance.
- c. Public and quasi-public recreation buildings and facilities
- d. Neighborhood grocery store not to exceed one thousand (1,000) square feet of retail space including storage.
- e. Contractors, not having more than five (5) vehicles and pieces of equipment that are not screened from view from the surrounding property and street. When a piece of equipment is located on a trailer or truck, the combination shall be considered a vehicle and an additional piece of equipment. *[Adopted 5/21/88]*

4. Space and Bulk Regulations - The following space and bulk regulations are minimum requirements subject to modification under Article 8, Section B: *[Adopted 5/16/87]*

- a. The minimum lot area shall be three (3) acres;
- b. The minimum lot frontage shall be two hundred twenty five (225) feet;
- c. The minimum building setbacks shall be as follows:

- 1) Front - 40 feet
- 2) Side - 20 feet
- 3) Rear - 20 feet

- d. The maximum building height shall be two and one-half (2.5) stories except for barns and poultry houses.

5. Off-Street Parking - For each of the principal and secondary uses permitted, off-street parking shall be provided in accordance with Article 9, Section C.

6. Signs - Signs shall be permitted in accordance with the provisions of Article 9, Section L.

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7. Wireless Communication Facilities - subject to the standards contained herein.

D. Rural Residential District (RR)

1. Intent: The Town of Raymond recognizes that certain areas of Town will experience residential growth due to rapid population growth in the region. It is the intent of this Ordinance to allow these uses while maintaining the basic rural orientation of the community.

2. Permitted Uses

- a. One-family dwelling to include modular homes (Type 2 manufactured homes) *[Amended 5/21/05]*
- b. Church.
- c. Schools.
- d. Public buildings and facilities.
- e. Agriculture excluding commercial poultry and piggery operations.
- f. Accessory uses and buildings.
- g. Home occupations that conform to the requirements of Article 9, Section B. A home occupation which conforms to Article 9, Section B and which is specifically permitted by Article 12 of this Ordinance shall be considered a permitted use.
- h. Bed and breakfast inn not to exceed five (5) rentable rooms and not to serve alcohol.
- i. Boarding home not to exceed five (5) rentable rooms excluding family living space.
- j. Public utility and communication facilities.
- k. Mobile/Manufactured home fourteen (14) feet wide with a pitched roof, manufactured in 1976 or later, with frost wall, grade beam or concrete slab, which shall be designed, if a single unit, to accept T or L additions and shall be so sited so that the longest structure dimension is not more than thirty (30) degrees from parallel with the street or road upon which the lot fronts or, on a corner lot, the more heavily traveled street or road upon which the lot fronts. *[Adopted 5/16/87]*

3. Conditional Uses

- a. Nursing home.
- b. Neighborhood Grocery Store not to exceed one thousand (1,000) square feet of retail space including storage.
- c. Cemeteries.

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- d. Funeral parlors.
 - e. Medical arts buildings.
 - f. Mineral extraction that conforms to Article 9, Section E of this Ordinance.
 - g. Public and quasi-public recreation buildings and facilities.
 - h. Contractors, not having more than five (5) vehicles and pieces of equipment that are not screened from view from the surrounding property and street. When a piece of equipment is located on a trailer or truck, the combination shall be considered a vehicle and an additional piece of equipment. *[Adopted 5/21/88]*
4. Space and Bulk Regulations - The following space and bulk regulations are minimum requirements subject to modification under Article 13, Section B:
- a. The minimum lot area shall be two (2) acres.
 - b. The minimum lot frontage shall be two hundred twenty five (225) feet;
 - c. The minimum building setbacks shall be as follows:
 - 1) Front - 30 feet
 - 2) Side - 20 feet
 - 3) Rear - 20 feet
5. The maximum building height shall be two and one-half (2.5) stories except for barns.
6. Off-Street Parking - For each of the principal and secondary uses permitted, off-street parking shall be provided in accordance with Article 9, Section C.
7. Signs - Signs shall be permitted in accordance with the provisions of Article 9, Section L.

E. Shoreland District

A description of the Shoreland districts and Shoreland zoning provisions related to these districts are located in a separate, freestanding portion of this Ordinance.

F. Commercial District (C)

- 1. Intent: The Commercial District is intended to serve as the downtown of Raymond and to provide general retail, wholesale, service, and business facilities in an area convenient to the residents of the Town. This district should efficiently utilize space and resources and provide for connectivity

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among and between businesses in a manner that looks and functions as a linear village with lively year-round business and inviting and safe pedestrian spaces and walkways. Route 302, the roadway through this commercial village, is intended to function as a transportation corridor that moves traffic safely and efficiently through the region while also serving as a safe and easy-to-navigate local link between the various sections of the commercial village. Site design, landscaping, screening, building placement, and building design in this district should result in a visually pleasing and cohesive village-like atmosphere. Toward the achievement of these purposes, the following minimum standards are established:
[Amended 06/02/09]

2. Permitted Uses:

- a. Retail businesses and service establishments, including warehousing and wholesale distribution related thereto;
- b. Recreational facilities such as racquetball or tennis centers but excluding amusement parks as defined herein;
- c. Auto repair facilities excluding auto body repair;
- d. Business and professional offices;
- e. Restaurants and drive in stands;
- f. Hotels, motels, and inns;
- g. Mixed-use buildings provided the upper floor contains only commercial uses. The upper floors may contain dwelling units or commercial uses. As used in this subparagraph (h), the term "commercial uses" means any of the uses listed in subparagraphs (a) through (f) above. *[Amended 06/02/09]*

3. Conditional Uses: Outdoor sales and service.

4. Space and Bulk Regulations *[Amended 06/02/09]* - The following space and bulk regulations are established as minimum standards for mixed use and commercial buildings:

- a. There shall be no minimum lot area except that the lot shall meet the provisions of Maine Revised Statute Title 12, Chapter 423-A: MINIMUM LOT SIZE; *[Amended 06/02/09]*
- b. There shall be no minimum street frontage;
- c. There shall be no minimum front yard setback. If the lot is a corner lot, the street most heavily traveled shall be considered the street upon which the lot fronts. There shall be no side street setback. *[Amended 06/03/14]*

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- d. Where a lot in this district abuts a residential district, the commercial use shall provide and maintain a twenty-five (25) foot landscaped buffer strip and visual screening from the abutting residential district boundary. Existing commercial uses shall meet this requirement by June 1, 1990. New commercial uses shall meet this requirement within nine (9) months for the first commercial use of the lot; *[Adopted 5/21/88]*
 - e. There shall be no minimum side yard setback;
 - f. There shall be no minimum rear yard setback;
 - g. The maximum building height shall be two and one-half (2.5) stories except that the maximum building height shall be three (3) stories for buildings which are located on the eastern side of Route 302.
5. Off-Street Parking - For each of the principal and secondary uses permitted, off-street parking shall be provided in accordance with Article 9, Section C.
6. Signs - Signs shall be permitted in accordance with the provisions of Article 9, Section L.

G. Industrial District (I)

1. Purpose: To provide for the creation of appropriate districts within the Town of Raymond for industrial facilities, in accordance with the following requirements:
2. Permitted Uses:
- a. Any industrial structure or use, as defined in this Ordinance, which meets all of the following criteria:
 - 1) Primary aspects of the industrial process are carried on within the structure;
 - 2) The noise level of the industrial process does not exceed 50 decibels at any property line; and
 - 3) There are no land, water or air waste discharges or emissions other than sanitary facilities, which met the requirements of the State's wastewater disposal rules.
 - b. Warehousing and outdoor storage;
 - c. Distribution and transportation;
 - d. Research laboratories;
 - e. Retail facilities and services accessory to principal uses.

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3. Conditional Uses:

- a. Automobile graveyards, automobile recycling businesses and junkyards conforming with Title 30-A, Sections 3751 – 3760 and all state or local regulations;
- b. Public utility facilities.

4. Location - An industrial district may be created for any land within the Town, except within the Shoreland District, upon application to the Planning Board by an applicant for a specific industrial use thereof upon a showing by the applicant to the satisfaction of the Planning Board under the procedures set forth in this Article 4, Section G., that the proposed industrial use and its location satisfy the requirement set forth below. Following a review of the application, the Planning Board shall recommend to the Town Meeting whether or not the proposed industrial district and use should be approved.

- a. The proposed use will not result in undue water, noise, or air pollution.
- b. The proposed location consists of soil types, which are suitable to the construction, and industrial use proposed and will not be subjected to unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
- c. The proposed location and use will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed.
- d. The proposed use will be compatible with the existing uses of any improved land abutting the proposed location and with any identifiable predominant character of surrounding improved lands;
- e. The proposed location and use meets all of the requirements and procedures for site plan review set forth in Article 10 of this Ordinance.

5. Procedure for Creation - The creation of any industrial district shall be in accordance with the following procedure:

- a. Application for creation of an industrial district shall be made to the Planning Board. The Planning Board shall hold a public hearing thereon and post a notice of the proposed creation of the industrial district in the municipal office at least 13 days before the public hearing. The notice must be published at least 2 times in a newspaper that complies

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with M.R.S.A. Title 1, section 601 and that has a general circulation in the Town. The date of the first publication must be at least 12 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. That notice must be written in plain English, understandable by the average citizen.

- b. For each parcel within the municipality that is in or abutting the portion of the Town affected by the proposed amendment, a notice shall be mailed by first class mail at least 13 days before the public hearing to the last known address of the person to whom property tax on each parcel is assessed. Notice also must be sent to a public drinking water supplier if the area to be rezoned is within its source water protection area. The notice must contain a copy of a map indicating the portion of the Town affected by the proposed amendment. The Board of Selectmen shall prepare and file with the Town Clerk a written certificate indicating those persons to whom the notice was mailed and at what addresses, when it was mailed, by whom it was mailed and from what location it was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate.
[Amended 8/7/07]
 - c. Within thirty (30) days following such public hearing, the Planning Board shall submit to the Board of Selectmen and to the applicant its findings and recommendations with respect to the creation of the proposed industrial district, including its recommendations with respect to space and bulk regulations and any conditions which it deems necessary in order to assure that the proposed industrial use will satisfy the requirements set forth in Section 3, above;
 - d. A Town Meeting shall be held not less than fifteen (15) days following the date of such recommendations to see if the Town will vote to create the industrial district proposed upon such conditions as the Planning Board may recommend. If the Planning Board recommends that such industrial district not be created, the Town Meeting may create the same only by a favorable two-thirds (2/3) vote;
 - e. In the event that the Town Meeting does create the proposed industrial district, the Land Use Regulation Map shall be amended in accordance with the provisions of Article 2, Section B.1, to show such district.
6. Minimum Standards - There shall be no minimum lot area or minimum street frontage required in any industrial district. Setbacks, provision for visual screening and maximum building heights shall be as provided in the

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Commercial District, and the minimum standards established under Article 9 of the Ordinance shall be applicable, unless the Planning Board recommends more restrictive or additional requirements in order to assure compliance with the conditions set forth in Section 3, above.

7. Change in Use - Following the creation of any industrial district, the use of such district shall not be changed until the applicant, for any change in use, shall apply therefore to the Planning Board and the Planning Board shall find that the proposed change is consistent with the provisions and requirements of this Article 9, Section G., with such reasonable conditions as the Planning Board may impose in order to assure compliance with the requirements set forth in Section 3, above. Consistent with this requirement, the Planning Board may permit a change in use to any Principal Use permitted in the Commercial District, excepting one-family dwellings.
8. Where a lot in this district abuts a residential district, the industrial/commercial use shall provide and maintain a fifty (50) foot landscaped buffer strip and visual screening from the abutting residential district boundary. Existing industrial/commercial uses shall meet this requirement by June 1, 1990. New industrial/commercial uses shall meet this requirement within nine (9) months of the first industrial/commercial use of the lot. *[Adopted 5/21/88]*

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ARTICLE 5 – ADMINISTRATION

ARTICLE 5 - ADMINISTRATION

A. Officials

The provisions of this Ordinance shall be administered and enforced by the Code Enforcement Officer and the Building Inspector, who shall both be appointed by the Board of Selectmen and be given free access at reasonable hours to all parts of structures and land regulated by this Ordinance. The Code Enforcement Officer of the Town of Raymond shall serve as the building official as defined in 25 M.R.S.A. § 2351 and shall be responsible for issuing building permits and certificates of occupancy. The Code Enforcement Officer shall be responsible for inspecting all permitted construction for compliance with all components of M.U.B.E.C., as such components may be revised from time to time by the Technical Building Codes and Standards Board. *[Adopted 6/5/12]*

B. Building Permit Required

It shall be unlawful to start any work for the purpose of construction, alteration, or removal of any building unless a building permit has been issued in conformity with this Ordinance. The provisions of this Ordinance shall apply to new construction, alterations, additions, relocation, replacement of any building or part thereof, and to any work designed to convert a seasonal dwelling to a permanent, year-round dwelling as provided in Article 8, Section E. The Town of Raymond applies and enforces the Maine Uniform Building and Energy Code ("M.U.B.E.C."), as required by 10 M.R.S.A. § 9724. Administration and enforcement of M.U.B.E.C., including fees, permits, certificates of occupancy, violations, penalties and appeals, shall be in accordance with this Ordinance and pursuant to 30-A MRSA § 4452. *[Adopted 5/21/98, Amended 6/5/12]*

C. Application for Building Permit

Any application for a building permit shall be submitted to the Building Inspector on forms specified by the Building Inspector, together with a fee as established and revised from time to time, by the Board of Selectmen; the application shall then be filed with the Board of Assessors. The building permit fee shall be twice the amount established by the Board of Selectmen for any new outside construction or addition, or for any alterations or renovations having a completed value of not less than \$2,000.00, if such work is begun without a permit. The application shall require such information as the Building Inspector may require in order to determine whether the proposed use is in full compliance with the provisions of this Ordinance, including, without limitation, the number and location of buildings already on the lot, building setback requirements, and the suitability of soils and bedrock structure. No building permit shall be issued for construction of a dwelling within any subdivision unless the subdivision road, power, drainage improvements and any other site improvements required by the Planning Board approval have been completed or their completion is covered by a currently effective performance bond. No building permit shall be issued for any proposed development

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including, in the Shorelands District, any alteration or penetration of the surface of the ground, until the applicant demonstrates to the Building Inspector that all other applicable federal, state, and local permits have been issued.

D. Permits Issued by Building Inspector

The Building Inspector shall approve or deny those applications on which the Building Inspector is empowered to act as stated in this Ordinance. Approval shall be granted only if the proposed use be in conformance with the provisions of this Ordinance.

1. No building permit shall be issued until the Road Commissioner or the Maine Department of Transportation has issued a driveway permit. *[Adopted 5/20/89]*
2. A building permit issued under the provisions of the Ordinance shall become void if work has not commenced within 12 months of the date of approval and shall expire 2 years from the date of issue. A building permit may be renewed once for a one (1) year period upon submission of an application and payment of the prescribed fee. All codes, ordinances and statutes in effect at the time of the renewal application must be complied with before said permit is issued. *[Adopted 6/5/12]*
3. A fee for each plan examination, building permit and inspection shall be paid in accordance with the Schedule of Fees as approved by the Board of Selectmen. Each building permit application shall indicate what fee was charged. All fees shall be collected by the Town Clerk of the Town of Raymond. *[Adopted 6/5/12]*
4. In the case of a revocation of a permit or abandonment or discontinuance of a building project any permit fees already paid shall be non-refundable. *[Adopted 6/5/12]*
5. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as prescribed by this Ordinance and pursuant to 30-A MRSA § 4452. *[Adopted 6/5/12]*

E. Residential Growth Management *[Adopted 8/20/06, Repealed 06/03/14]*

[RESERVED]

F. Certificate of Occupancy Required

In each instance (1) in which different use of a building, structure or land is proposed, or (2) following erection, alteration, repair, enlargement or relocation of a building or structure, a Certificate of Occupancy shall be required prior to occupancy and use

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pursuant to the requirements in the Maine Uniform Building and Energy Code. Neither the owner, nor the person to whom a building permit has been issued, shall permit any building, structure, or land for which a Certificate of Occupancy is hereby required to be used or occupied until the Building Inspector has issued a Certificate of Occupancy therefore. A Certificate of Occupancy shall not be issued until the Building Inspector determines that the building, structure, or land use has been completed in accordance with this Ordinance and any conditions imposed under this Ordinance. The Building Inspector may issue a temporary use permit, valid for periods not exceeding six (6) months, during erection, alteration, repair, or enlargement of a building or structure. A fee for each plan examination, certificate of occupancy and inspection shall be paid in accordance with the Schedule of Fees as approved by the Board of Selectmen.

G. One Principal Building on a Lot

Except for Open Space Subdivisions as provided in Article 13, there shall be no more than one principal building and its accessory buildings erected on any one site. Garages are considered accessory buildings.

H. Nuisances

1. Any violation of this Ordinance shall be deemed to be a nuisance;
2. Any unlicensed automobile graveyard, automobile recycling business or junkyard is specifically deemed a nuisance. If an existing automobile graveyard, automobile recycling business or junkyard can meet licensing requirements and is in the Industrial Zone, it may continue. If an existing automobile graveyard, automobile recycling business or junkyard is unlicensed and is not in the Industrial Zone, it must be abated within one year of the passage of these amendments.
3. In addition, any lot or part thereof meeting the definition of Automobile Storage Lot, but exceeding the maximum number of vehicles specified in the definition, or meeting the definition of Storage Lot, but exceeding the maximum area specified in the definition, is specifically deemed a nuisance. The lot or part thereof must be brought into conformance within six months of the passage of these amendments.
[Amended 3/17/01]
4. No owner or occupant of land in any district shall permit fire ruins or other ruins to be left, but within one year from the date of the disaster shall remove, repair, rebuild, or replace the structure. Nothing in this section shall prohibit the Town from considering the ruins to be a dangerous building or a nuisance, as provided by law.

I. Code Enforcement Officer

If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, the Code Enforcement Officer shall notify, in writing, the person responsible for

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such violation indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, structures or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions.

J. Legal Action

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Board of Selectmen is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable, including seeking injunctions of violations and the imposition of fines that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

K. Fines

Any person who continues to violate any provisions of this Ordinance, after receiving notice of such violation, shall be guilty of a misdemeanor subject to a fine of up to \$100.00 for each violation. Each day such a violation is continued is a separate offense.

L. Flood Plain Area Development

With respect to application for building permits for any development within Zone A and Zones A1-A30 as shown upon the Flood Insurance Rate Map, the Building Inspector shall:

1. Obtain data identifying the elevations of the land, of the lowest floor of any structure, including the basement, and of the top of any floodproofing, in relation to the elevation of the 100-year flood upon said land;
2. Utilize the 100-year flood data provided by the Federal Emergency Management Administration, where available, and otherwise obtain, review and reasonably utilize any other elevation data for the 100-year flood available from federal, state, or other sources; and
3. Maintain, as a separate, permanent record, copies of all permits issued for development in Zone A and Zones A1-A30 as shown on the Flood Insurance Rate Map, all data relevant thereto and all decisions of the Board of Appeals upon variances granted in connection with such permits.

M. Lot Surveys

Newly created lots, and changes in lot lines, shall be undertaken by a licensed surveyor and a copy of the survey plan shall be furnished to the Code Enforcement Officer.

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ARTICLE 6 – BOARD OF APPEALS

ARTICLE 6 - BOARD OF APPEALS

A. Appointment and Composition

The Board of Appeals shall consist of five (5) members and one (1) alternate member, all of whom shall be residents of the Town of Raymond. The present members of the Board of Appeals shall continue to hold their office until their present term of office expires. Thereafter, the Board of Selectmen shall appoint members for a three (3) year term and in the event of a vacancy, shall fill the term for the unexpired portion thereof. The alternate member shall be appointed for a term of three (3) years and shall act on said Board in place of any member who may be unable to act due to interest, absence or physical incapacity. The Board shall annually elect from their membership a Chairman to preside at all meetings of the Board. A secretary shall provide for the keeping of the minutes of the proceedings of the Board of Appeals. All minutes of the Board shall be public record. In addition, the following statutes shall apply:

1. A municipal officer or their spouse shall not be a member of the Board;
2. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereof shall be decided by a majority vote of the members except the member who is being challenged;
3. A member of the Board may be dismissed for cause by the municipal officers before the expiration of his term.

B. Powers and Duties

1. The Board of Appeals shall have the following authority:
 - a. Subject to the provisions of this Ordinance, to hear and decide appeals, on a de novo basis, from orders, decisions, determinations or interpretations made by the Code Enforcement Officer or the Building Inspector. *[Amended 8/7/07, and 6/7/26]*
 - b. Subject to the provisions of this Ordinance, to hear and grant or deny applications for variances from the terms of the Land Use Ordinance. A variance may be granted for lot areas, lot coverage by structure, and setbacks. A variance shall not be granted to permit a use or structure otherwise prohibited, except for non-conforming uses, structures and lots as described in Subsection d. below. A variance can only be granted where undue hardship is proven. Undue hardship is defined to mean:
 - 1) That the land in question cannot yield a reasonable return unless the variance is granted;

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- 2) That the need for a variance is because of unique circumstances of the property (such as location of existing structures, topographical features, etc.) and not to the general conditions of the neighborhood;
 - 3) That the granting of a variance will not change the essential character of the locality;
 - 4) That the hardship is not the result of action taken by the applicant or a prior owner;
 - 5) Permitted variances run with the land and thus pass from one owner of a property to the next.
- c. To grant a set-back variance for a single family dwelling only when strict application of the Land Use Ordinance to the applicant and the applicant's property would cause undue hardship. The term "undue hardship" as used in this subsection means *[Amended 6/7/16]*:
- 1) The need for the variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;
 - 2) The granting of the variance will not alter the essential character of the locality;
 - 3) The hardship is not the result of action taken by the applicant or a prior owner;
 - 4) The granting of the variance will not substantially reduce or impair the use of abutting property;
 - 5) That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.
- A variance under this subsection may be permitted only from the setback requirements for a single family dwelling that is the primary year round residence of the applicant. A variance under this subsection may not exceed 20% of a setback requirement and may not be granted if the variance would cause the combined area of the dwelling and any other structures to exceed the maximum permissible lot coverage. *[Adopted 5/15/93]*
- d. To hear and grant or deny applications for conditional use permits as specified within this Ordinance. In granting permits under this section, the Board of Appeals may impose such conditions, as it deems necessary in furtherance of the intent and purpose of this Ordinance. Conditional use permits run with the land and thus pass from one owner of a property to the next;
- e. To vary the provisions of non-conforming lots, non-conforming structures and non-conforming uses of structures and non-conforming uses of land, but only in accordance with the provisions specified in Article 3 of this Ordinance.
- f. The board of Appeals shall not have the authority to review decisions of the Planning Board. Decisions by the Planning Board shall be appealed directly to Superior Court. *[Amended 6/7/16]*

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2. In hearing appeals under this section, the Board of Appeals shall require that attention be given to the following, wherever applicable:
 - a. Location, character and natural features;
 - b. Fencing and screening;
 - c. Landscaping, topography and natural drainage;
 - d. Vehicular access, circulation and parking;
 - e. Pedestrian circulation;
 - f. Signs and lighting;
 - g. All factors which affect health, welfare and safety;
 - h. Such conditions as it deems necessary in furtherance of the intent and purpose of this Ordinance.
3. Appeals from decisions under the Shoreland Zoning provisions and variances from the Shoreland Zoning provisions are governed by the appeals and variance procedures contained in the Shoreland Zoning provisions and are not governed by Article 6 of the Land Use Ordinance.

C. Appeals Procedure

1. The Board of Appeals shall meet once each month and at other times as called by the chairman. A quorum of the Board is necessary to conduct an official Board meeting shall consist of at least three (3) members. A majority vote of the quorum is required for the passage or denial of any appeal.
2. The secretary shall record a permanent record of all Board meetings. All meeting minutes, and all correspondence of the Board shall be maintained in the Town Office.

The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefore, upon all the material issued of fact, law or discretion presented and the appropriate order, relief or denial thereof. Notice of all decisions shall be mailed or hand-delivered to the applicant, or his or her representative or agent.

3. When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At that time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity, the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision. *[Amended 6/7/16]*

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4. For all appeals, the Board shall hold a public hearing as prescribed herein. At least seven (7) days before the hearing, the Code Enforcement Officer shall notify, by mail, the owners of properties abutting the property for which the appeal or application is made. Failure to receive this notice shall not invalidate the proceedings herein prescribed. The owners of properties shall be considered to be the parties listed by the Assessor as those against whom those taxes are assessed. Notice of the hearing shall also be placed at least twice in a newspaper of general circulation at least seven (7) days prior to the hearing.

The Code Enforcement Officer shall attend all hearings and shall present to the Board all plans, photographs, or other factual materials, which are appropriate to an understanding of the case.

5. Any person and any municipal official or board of officials aggrieved by a decision of the Code Enforcement Officer or who wishes to request a variance from the Land Use Ordinance or who wishes a Conditional Use Permit may file an application with the Board of Appeals. An appeal of a decision made by the Code Enforcement Officer must be filed within thirty (30) days of the date of the decision.

Application materials submitted to the Board must include a completed application form, including a location and site plan if appropriate, and the following fees: *[Amended 06/03/2014]*

- (1) Application fees as established by the Board of Selectmen and listed in the Town Fee Schedule.
- (2) Escrow fees as established by the Board of Selectmen and listed in the Town Fee Schedule. The fees shall be submitted and deposited in an escrow account established by the Town, which monies may be used by the Town to pay for professional legal and technical reviews and advice related to the appeal, variance, or conditional use permit application as deemed necessary by the Town. Said fees for professional reviews and advice shall include, but shall not be limited to engineering or other professional consulting fees, attorney fees, recording fees and appraisal fees.

The total escrow fees required shall be an amount estimated by the consultants and the Town as sufficient to pay for the professional review of the application. If the Town expends more than fifty percent (50%) of the escrow account prior to completing its review, the applicant shall replenish the escrow account to an amount estimated by the consultants as sufficient to complete the review. Those monies deposited by the applicant and not spent by the Town in the course of its review shall be returned to the applicant

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within sixty (60) days after the Appeals Board renders its final decision on the application.

All application materials must be submitted for the Board's review at least thirty (30) days prior to the Board meeting at which the applicant wishes to be heard. All meetings of the Board of Appeals are public hearings. At the public hearing, the applicant or the applicant's representative must appear before the board to present the proposal and to answer questions. Other interested parties, such as adjacent property owners, will also be permitted to speak for or against the appeal.

Written notice of the decision of the Board shall be sent to the appellant within sixteen (16) days of the date of the decision. Any aggrieved party may appeal from the decision of the Board to the Superior Court within forty-five (45) days of the date of the vote on the original decision. *[Amended 6/7/16]*

6. The Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the date of the vote on the original decision.. The Board may conduct additional hearings and receive additional evidence and testimony. *[Amended 6/7/16]*
7. After a decision has been made by the Board of Appeals, a new appeal of similar import shall not be entertained by the Board until one (1) year has elapsed from the date of said decision, except that the Board may entertain a new appeal if the Board believes that, owing to a mistake of law or misunderstanding of fact, an injustice was done, or it finds that a change has taken place in some essential aspect of the case sufficient to warrant a reconsideration of the appeal. *[Amended 6/7/16]*
8. The right of any variance from the terms of this Ordinance granted by the Board of Appeals shall expire if the work or change permitted under the variance is not begun within six (6) months or substantially completed within one (1) year as of the date of the vote by the Board. For the purposes of this subsection, substantial completion means the outside of the structure must be complete. *[Amended 5/18/91]*

D. Reductions from minimum setbacks

The Board of Appeals may grant reductions from the minimum setback requirements set forth in Article 4 of this Ordinance according to all of the following criteria:

1. Setback reduction appeals are only available to reduce the minimum requirements for setbacks of structures from lot boundary lines. Setback

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reduction appeals shall not be used, and are not available from bodies of water as provided in this Ordinance.

2. Setback reduction appeals may only be granted and are only available for lots with a residential dwelling as the principal structure.
3. The Board of Appeals may grant a setback reduction appeal if the Board finds that granting the setback reduction will not result in unreasonable interference with the privacy interests of the abutting landowners.
4. In granting a setback reduction the Board of Appeals may attach reasonable conditions, which it may deem necessary to serve the purposes of this Ordinance.
5. A setback reduction appeal shall not be granted to enable construction or renovation that will create additional dwelling units.
6. A setback reduction appeal shall not be granted to enable construction or renovation that will result in more than one garage on the lot that is the subject of the appeal.
7. No setback reduction appeal may be granted that will result in impervious surface lot coverage of greater than 15%.
8. Setback reduction appeals may only be granted the minimum extent necessary to accomplish the purpose of the appeal. Setbacks may not be reduced by setback reduction appeal to less than the following absolute minimum setbacks:

VR Zone	
Front yard	12 ½ feet
Side yard	10 feet *
Rear yard	10 feet *
R Zone	
Front yard	20 feet
Side yard	10 feet
Rear yard	10 feet
RR Zone	
Front yard	15 feet
Side yard	10 feet
Rear yard	10 feet

(*) See ordinance. *[Adopted 3/18/00] [Amended 5/21/05]*

E. Setbacks for ADA-Required Ramps

The Code Enforcement Officer may approve the installation of an ADA-required ramp in a required setback if he/she determines that there is no reasonable alternative that will allow the ramp to conform to the required setback.

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ARTICLE 7 - AMENDMENTS

ARTICLE 7 - AMENDMENTS

A. Authority

The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented or repealed in accordance with the provisions of Revised Statutes of Maine, as amended.

B. Shoreland Zoning Amendments

The Maine Department of Environmental Protection shall be notified by Certified Mail, of amendments affecting the Shoreland District prior to the effective date of such amendments. A file of return receipts from such mailing shall be maintained as a permanent record.

C. Procedure

Proposed amendments to this Land Use Ordinance shall be acted upon in the following manner:

1. Proposed amendments shall be submitted to the Planning Board for their consideration. The Planning Board shall hold a Public Hearing and post a notice of the proposed ordinance amendment(s) and hearing in the municipal office at least 14 days before the public hearing. The notice must be published at least 2 times in a newspaper that complies with M.R.S.A. Title 1, section 601 and that has a general circulation in the Town. The date of the first publication must be at least 14 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. That notice must be written in plain English, understandable by the average citizen.

Amendments to the Land Use Ordinance or zoning map that, within a geographically specific portion of the Town, have the effect of either prohibiting all industrial, commercial or retail uses where any of these uses is permitted or permitting any industrial, commercial or retail uses where any of these uses is prohibited shall require that notice be given to the owner(s) of each parcel that is in or abutting the portion of the Town affected by the proposed amendment. The notice shall be mailed by first class mail at least 14 days before the public hearing to the last known address of the person to whom property tax on each parcel is assessed. Notice also must be sent to a public drinking water supplier if the area to be rezoned is within its source water protection area. The notice must contain a copy of a map indicating the portion of the Town affected by the proposed amendment. The Board of Selectmen shall prepare and file with the Town Clerk a written certificate indicating those persons to whom the notice was mailed and at what addresses, when it was mailed, by whom it was mailed and from what

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location it was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate. *[Amended 8/7/07]*

2. Prior to the Town Meeting at which the proposed amendment is to be acted upon, the Planning Board shall submit its official report. Failure of the Planning Board to submit a report shall constitute approval.
3. A Town Meeting shall be held not less than fifteen (15) days after the date of the Public Hearing. If the Planning Board recommends that such amendment(s) not be enacted, the Town Meeting may adopt the same only by a favorable two-thirds (2/3) vote. *[Amended 8/7/07]*

D. Conditional Rezoning

Pursuant to 30-A M.R.S.A. §4352(8), a conditional rezoning may be approved using the procedure described in section VII.C, above. Conditional rezoning is authorized where the Town finds it necessary and appropriate to impose, by agreement with the property owner, certain conditions and restrictions not generally applicable to other properties similarly zoned.

A proposal for conditional zoning shall contain, in addition to the requirements for other amendments, a written statement of the conditions regarding the use of the subject property, which the proponent requests are imposed. Such rezoning shall be approved only if:

1. The change is consistent with the Comprehensive Plan.
2. The change establishes rezoned areas, which are consistent with the existing and permitted uses within the original district.
3. All conditions and restrictions imposed relate only to the physical development or operation of the property and may include, by way of example:
 - a. Limitations on the number and types of uses permitted;
 - b. Restrictions on the scale and density of development;
 - c. Specifications for the design and layout of the buildings and other improvements;
 - d. Schedules for the commencement and completion of improvements;
 - e. Performance guarantees securing completion and maintenance of improvements, and guarantees against defects;
 - f. Preservation of open space and buffers, and protection of natural areas and historic sites;
 - g. Contributions toward the provisions of municipal services required by the development; and
 - h. Provisions for enforcement and remedies for breach of any condition or restriction, which may include, by way of example:

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- 1) Provisions that violation of any conditions shall constitute a violation of the Ordinance.
 - 2) Statements that the conditions shall bind the owners, its successors, assigns and any person in possession or occupancy of the premises or any portion thereof and shall inure to the benefit of and be enforceable by the Town.
 - 3) Provisions requiring the owner at his expense to record in the Cumberland County Registry of Deeds a copy of the conditions and any required site plans within thirty (30) days following final approval of the petition by the Town and that the form of the recording be in a form satisfactory to the Town.
 - 4) Statement indicating that the conditions shall run with the land.
4. The owner of the property rezoned has agreed in writing to the conditions imposed.

Any rezoning approved by the Town conditionally shall be of no force or effect if the owner of the property fails or refuses to comply with the conditions imposed. In that event, any use of the property and any buildings and structures developed pursuant to the conditional rezoning shall be brought into compliance with all applicable provisions of the Ordinance. *[Adopted 3/18/00]*

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ARTICLE 8 – MODIFICATIONS

ARTICLE 8 – MODIFICATIONS

A. Net Residential Area Calculation

The Net Residential area on a parcel or tract of land shall be determined by deducting from the total acreage all areas that are considered unbuildable or unsuitable for development as follows:

1. Total acreage that is used for street and sidewalk rights-of-way;
2. Portions of the parcel containing slopes over thirty-five (35) percent;
3. Portion of the parcel shown to be within the 100-year floodplain and floodway as designated on Federal Emergency Management Agency (FEMA) maps;
4. Portions of the parcel located in the Resource Protection District;
5. Portions of the parcel which are unsuitable for development in their natural state due to drainage or subsoil conditions, including, but not limited to;
 - a. Water table at or near the surface for all or part of the year;
 - b. Unstable soils such as Sebago mucky peat.
6. Portions of the parcel covered by surface waterbodies.

Where the extent of unsuitability in a specific case requires interpretation, the Planning Board shall be guided by whether or not the potentially unsuitable area could be incorporated and used in a minimum size lot if the entire tract were developed as a traditional subdivision. *[Adopted 9/26/87] [Amended 8/7/07]*

B. Net Residential Density Calculation

The total number of lots or dwelling units allowed on a tract or parcel of land shall be determined by dividing the area remaining after Net Residential Area deductions are made by the minimum lot size for the zoning district where the parcel or tract of land is located. The number shall be rounded down to the nearest whole number. *[Amended 8/7/07]*

Notwithstanding the above, if a lot, or a portion of a lot, was a lot of record prior to June 1, 2010, and as such that lot, or a portion of that lot, was rezoned from Limited Residential/Recreation District (LRR1) to Rural District (R), it shall be determined that the landowner(s) of record prior to June 1, 2010 shall maintain the lot area standards set forth in the LRR1 District as they existed prior to June 1, 2010, so long as the owner retains or divides the lot under the allowed subdivision exemptions standards as defined under Title 30-A Section 4401 of the Maine Revised Statutes Amended. A decision regarding whether the land was located within the LRR1 District prior to the June 1, 2010 amendment may be determined by the Code Enforcement Officer. *[Amended June 4, 2013]*

If there is a discrepancy regarding the zone boundary, or the existence of the lot prior to June 1, 2010 by the CEO, the CEO may request a plan prepared by a licensed surveyor

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that demonstrates that the land in question was within the LRR1 District prior to being rezoned on June1, 2010.

At a minimum, the survey plan shall include:

- 1) All streams, as defined in the Raymond Shoreland Ordinance;
- 2) And all land areas within 10 feet, horizontal distance, of the normal highwater line of a stream.

Any further transference or creation of lots on the affect lots, meeting the definition of subdivision after June 1, 2010, must meet all the minimum standards of the Rural District. *[Amended June 4, 2013]*

C. Waivers

Unless otherwise specifically indicated, the Planning Board may grant waivers from the performance standards contained in Article 9, Sections C, D, J, L, T, and W, Article 10, and Article 13. In granting any waivers, the Planning Board shall make findings that:

1. The need for a waiver is based on unique circumstances relating to the specific site and development application and that these conditions would not be expected to be encountered elsewhere;
2. The application of the standards is not requisite to public health, safety, and general welfare;
3. The waiver would not qualify for relief granted by the Board of Appeals under Article 3 or Article 6;
4. The granting of the waiver in other situations would not have the effect of amending the ordinance requirements; and,
5. Appropriate conditions are applied *[Amended 8/7/07]*

D. Seasonal Dwelling Conversions

1. The conversion of any seasonal dwelling located within the Shoreland District to a year-round dwelling shall be permitted only upon the issuance of a conversion permit and otherwise in accordance with the provisions of Title 30, 3223, 3 & 4, M.R.S.A. No building permit shall be issued for work designed to convert a seasonal dwelling located elsewhere within the Town to a permanent dwelling suitable for year-round habitation, such as insulation, installation of a heating system, or provision of a sewage disposal system or a year-round water supply, unless the structure, its facilities and the lot upon which they are located, as modified by the work proposed, will conform in all respects with the provisions of this Ordinance for the construction of a new, permanent dwelling in that location in effect at the time application for such building permit is made.
2. No dwelling or structure shall be converted from seasonal to year round use that is located within two hundred fifty (250) feet of the high water mark of any lake,

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pond, river, stream, or body of water more than one acre in size, including abutting wetlands, until the owner shall prove that the subsurface disposal system is located at least one hundred (100) feet from the high water mark of that water body and was legally installed after July, 1974, or a performance bond equal to the estimated cost of the system shall be posted to insure that the new subsurface disposal system will be installed at least one hundred (100) feet from the high water mark, prior to completion or occupancy of the building. Any existing bedrooms or other rooms that could be used as bedrooms that may have been added or will be added must be calculated as bedrooms for septic system design. Any increase in the number of bedrooms or potential bedrooms above the original subsurface disposal system design shall mandate the installation of a new or expanded subsurface disposal system. *[Adopted 5/20/89]*

3. No expansion (including decks) for seasonal conversion shall be granted which reduces the required water setbacks of this Ordinance. Nor shall any seasonal conversion be granted if an expansion (including decks) has been done which reduces the required water setbacks after the effective date of this amendment. This section shall not be subject to variance. *[Adopted 5/20/89]*

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ARTICLE 9 - MINIMUM STANDARDS

ARTICLE 9 - MINIMUM STANDARDS

A. Conditional Uses

The Board of Appeals shall approve, deny, or approve with conditions all applications for a conditional use permit. The applicant shall have the burden of proving that his/her application is in compliance with the requirements of this Ordinance. After the submission of a complete application, the Board of Appeals shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

1. Will not depart from the general purpose and intent of the Ordinance, nor from the Town's Comprehensive Plan;
2. Will be compatible with permitted uses within the zone as determined by population; density; design; scale and bulk of any proposed new structures; and intensity of use;
3. Will not generate noise, vibrations, fumes, odors, dust, or glare which are detectable at the lot boundaries, and all aspects of the conditional use will be carried on within the structure;
4. Will not cause water pollution, sedimentation, erosion, contaminate any water supply, nor reduce the capacity of the land to hold water, so that a dangerous or unhealthy condition may result;
5. Will not adversely impact any deer wintering area or other important plant or wildlife habitat or scenic area such as views of Sebago Lake or mountains from public places;
6. Will not deny light and air to surrounding properties;
7. Will not depreciate the economic value of surrounding properties;
8. Will have sufficient potable water available for its needs;
9. Will not create a hazard to either pedestrian or vehicular traffic on the roads and sidewalks serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, intensity of use by both pedestrians and also vehicles, and the visibility afforded to pedestrians and the operators of motor vehicles;
10. Will not overburden police, fire and rescue services, as determined by response time, accessibility to the site of the proposed use, and numbers and types of emergency personnel and equipment presently serving the community.

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B. Home Occupation Standards

1. The Home Occupation shall be carried on wholly within the dwelling or accessory structure.
2. The Home Occupation shall be carried on primarily by a member or members of the family residing in the dwelling unit. Not more than two (2) persons who are not family members residing in the dwelling unit, shall be employed.
3. There shall be no exterior display, no exterior sign except as expressly permitted by District regulations of this Ordinance, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
4. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare or activity at unreasonable hours, shall not be permitted.
5. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off- street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operation hours.
6. The home occupation shall not utilize more than twenty (20) percent of the total floor area of the dwelling unit. The basement floor area shall be excluded in the calculation of the twenty (20) percent.

C. Off-Street Parking

1. In any district where permitted, no use of premises shall be authorized or extended, and no building or structure shall be constructed or enlarged, unless there is provided for such extension, construction or enlargement, off-street automobile parking space, in accordance with the following parking requirements.
[Amended 06/02/09]
 - a. Two (2) spaces per dwelling unit.
 - b. One (1) space for each sleeping room in a tourist home, boarding or lodging house, motel or hotel.
 - c. One (1) space for each tent or recreational vehicle site in a campground.
 - d. One (1) space for each two (2) beds in a hospital or sanitarium.

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- e. One (1) space for each four (4) beds in other institutions devoted to the board, care, or treatment of persons.
 - f. One (1) space for each two hundred (200) square feet or fraction thereof, of gross floor area of any retail, wholesale, or service establishment or office or professional building. Except that the ratio may be changed to one (1) space for each two hundred fifty (250) square feet or fraction thereof if an amount of land area equivalent to the difference between the two hundred (200) square foot requirement and the two hundred fifty (250) square foot requirement is developed in landscaped green area and reserved for future parking. *[Amended 06//02/09]*
 - g. One (1) space for each three (3) seats, permanent or otherwise, for patron use for restaurants, and other places serving food or beverage and for theaters, auditoriums, and other places of amusements or assembly.
 - h. One (1) space for each 1.2 employees based on the highest expected average occupancy for all types of commercial, industrial, or other permitted uses. *[Amended 06/02/09]*
 - i. For any structure or use not specifically enumerated above, the reviewing authority shall determine the number of off-street parking spaces required to accommodate customers, patrons, and employees based on a parking analysis submitted by the applicant. *[Amended 06/02/09]*
2. Where several uses occupy a single structure or lot, the total required parking shall be the sum of the requirements of the individual uses. *[Adopted 06/02/09]*
3. The parking requirement may be met on site or off site so long as it is within (300) feet of the principal building, structure, or use of the premises and is not separated by Route 302 (Roosevelt Trail). Off-site parking shall be permissible provided evidence of the legal right to use the parking spaces for the duration of the use is submitted and that the sharing of the spaces will not create a shortage of parking spaces for any uses. Such shared parking arrangements shall consider the typical hours of operation of the uses, seasonal fluctuations, the amount of parking needed for customers versus employees, and any other relevant factors for calculating the amount of parking needed. *[Adopted 06/02/09]*
4. In all Districts, the reviewing authority may allow a reduction in the number of spaces actually constructed provided the required number of spaces could be constructed on the property while meeting all other space requirements of that District and all applicable standards, including but not limited to Stormwater Quality and Phosphorous Control. The applicant must demonstrate that the additional spaces are not necessary, and the reviewing authority shall attach a condition of approval stating that the reviewing authority may require that the

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spaces be constructed if additional parking is needed to correct a parking problem on the site. *[Adopted 06/02/09]*

5. The minimum width of a parking space shall be nine (9) feet. The minimum length of a parking space shall be eighteen (18) feet. Aisle widths shall comply with those outlined in Article 10 Minimum Standards, Section F. Performance Standards. *[Adopted 06/02/09, Amended 06/03/14]*
6. No off-street parking facility shall have more than two (2) entrances and exits on the same street, and no entrance or exit shall exceed thirty (30) feet in width. Non-residential parking areas with more than two (2) parking spaces shall be so arranged that vehicles can maneuver within such areas and exit onto the street in a forward motion.
7. All Independent Parking Facilities shall meet the requirements of Article 10 Minimum Standards, Section F. Performance Standards. The Planning Board shall not consider any waivers when reviewing an Independent Parking Facility. *[Adopted 06/03/14]*
8. The reviewing authority may require a peer review of the parking analysis. *[Adopted 06/02/09]*

D. Off-Street Loading

1. For those uses where off-street loading is required, the following minimum off-street loading berths shall be provided and maintained in the case of new construction, alterations and changes of uses.

Office buildings and hotels with a gross floor area of more than ten thousand (10,000) square feet but less than forty thousand (40,000) square feet - one bay.

Retail, wholesale, and industrial operations with a gross floor area of more than five thousand (5,000) square feet in accordance with the table below:

5,000 sq. ft. to 40,000 sq. ft.	One bay
40,000 sq. ft. to 100,000 sq. ft.	Two bays
100,000 sq. ft. to 160,000 sq. ft.	Three bays
160,000 sq. ft. to 240,000 sq. ft.	Four bays
240,000 sq. ft. to 320,000 sq. ft.	Five bays
320,000 sq. ft. to 400,000 sq. ft.	Six bays

An additional bay shall be required for each additional ninety thousand (90,000) square feet over four hundred thousand (400,000) square feet.

2. Dimensions. Each loading bay shall have minimum dimensions of fifty (50) feet by fourteen (14) feet and may be located either within a building or outside and adjoining an opening in the building. Every part of such loading bay shall be

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located completely off the street. In case of trucks, trailers, or other motor vehicles larger than the dimensions of the minimum-loading bay habitually serving the building in question, additional space shall be provided so that such vehicle shall park or stand completely off the street.

3. Requirements for Additional Bays and Alterations or Modifications. Any additional loading bays which are provided in excess of the requirements of this Ordinance or any loading bay otherwise established shall meet the requirements of Subsection 2 of this Section, and no alterations or modifications shall be made in an existing building or structure whereby loading openings or platforms are constructed or established unless the provisions of said Section are met.

E. Mineral Extraction

1. Top soil, rock, sand, gravel, and similar earth materials may be removed from locations where permitted under the terms of this Ordinance only after a Conditional Use Permit for such operations has been issued by the Board of Appeals in accordance with the provisions of this Ordinance, and provided that plans for the following provisions shall be specifically illustrated in the application for the Conditional Use.
 - a. Specific plans are established to avoid hazards from excessive slopes or standing water. Where an embankment must be left upon the completion of operations, it shall be at a slope not steeper than one (1) foot vertical to two (2) feet horizontal.
 - b. The operation is shielded from surrounding property with adequate screening and creates no disturbance of a water source.
 - c. No excavation shall be extended below the grade of adjacent streets unless one hundred (100) feet from the street line or unless provision has been made for reconstruction of the street at a different level.
 - d. Sufficient topsoil or loam shall be retained to cover all areas with a three (3) inch layer so that they may be seeded and a vegetative cover may be restored. The applicant shall provide such seeding and restoration.
 - e. There is at least seventy-five (75) feet between the edge of the digging or quarrying activities and the property lines.
 - f. Dust or other air pollutants are kept to a minimum by appropriate landscaping, paving, oiling, or fencing.
 - g. Appropriate fencing or landscaping is provided to screen the site of digging operations from any public right-of-way and from any dwelling within two hundred fifty (250) feet of the property lines of the excavation site.

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2. A surety bond shall be posted with the Town Clerk by the applicant in an amount found by the Board of Selectmen to be sufficient to guarantee conformity with the provisions of the grant of approval.
3. The plan review by the Planning Board and the Board of Appeals shall take into consideration the following items. The Appeals Board may impose such conditions as necessary to safeguard the health, safety, and welfare of the community.
 - a. Fencing, landscaped buffer strips, public safety.
 - b. Advertising signs, lighting.
 - c. Parking space, loading and unloading areas.
 - d. Entrances and exits.
 - e. Time period for operation.
 - f. Hours of operation.
 - g. Methods of operation.
 - h. Weight and loading limit of trucks.
 - i. Sand and gravel spillage upon public streets.
 - j. Rehabilitation proposals.

F. Waste Material Accumulation

Junk Yards as defined in 30 M.R.S.A., Section 2451 B. shall not be made or maintained in any district except at a dumping place or places designated as such by the Board of Selectmen.

G. Hotels, Motels, Inns, Boarding Houses, Restaurants, Nursing Homes and Hospitals in Residential Districts

In any residential district where lodging places, restaurants, nursing homes or hospitals are permitted under the terms of this Ordinance, the following regulations and minimum standards shall apply:

1. All setback, frontage, and height requirements of the district shall be met.
2. Where public sewerage is not available, an adequate septic system shall be provided to serve the maximum number of guests or customers who can be accommodated in accordance with the standards of Article 9, Section H of this Ordinance.

H. Subsurface Sewage Disposal Systems

All subsurface sewage disposal systems shall comply with the following regulations:

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1. The design, construction, and operations of all subsurface sewage disposal systems shall be in compliance with the State of Maine Subsurface Disposal Rules, and with the regulations of the Maine Department of Human Services, and shall be subject to periodic inspection by the Plumbing Inspector;
2. Subsurface sewage disposal systems shall be located in those soils that the U.S. Department of Agriculture, Soil Conservation Service, has identified as being suited to subsurface sewage disposal systems.
3. Subsurface sewage disposal systems shall be permitted only after certification by a Registered Engineer or Soil Scientist that on-site inspection has shown the soils to be suited to the type of disposal system to be constructed;
4. If the design specifications of a new or replacement subsurface disposal system calls for loaming and seeding, the loaming and seeding must be completed within nine (9) months of the date of the initial inspection of the system, or the permit will become void and the system shall be considered illegal. Each day a structure or facility connected to such system is used or occupied after this nine (9) month period is a violation of this section and shall be punishable by a penalty of one hundred dollars (\$100) per day. *[Adopted 9/26/87]*
5. The replacement of a privy, alternative toilet or "out house" serving any dwelling or structure within two hundred fifty (250) feet of the high water mark, regardless of the type of water supply, shall meet the requirements of a new system as defined in the Maine State Plumbing Code, except that if a new system cannot be installed a holding tank may be substituted and a restriction shall be recorded in the deed to the property that the use shall remain seasonal. All privies or "out houses" within two hundred fifty (250) feet of the high water mark, serving a dwelling or structure, shall be removed and replaced with an approved subsurface disposal system or approved holding tank within five (5) years of the effective date of this amendment. *[Adopted 5/20/89]*

I. Trailer parks and Campgrounds

1. In any district where campgrounds or trailer parks are permitted under the terms of this Ordinance, the following regulations and minimum standards shall apply:
 - a. Spaces in campgrounds and trailer parks may be used by travel trailers, equivalent facilities constructed in or on automotive vehicles, tents, or other short-term shelter devices;
 - b. A trailer park or campground shall provide water and sewerage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State Plumbing Code and the Maine Department of Human Services;

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- c. Trailers shall be parked on sites containing a minimum of forty two hundred (4,200) square feet and having a minimum width of seventy (70) feet;
 - d. Tent sites shall contain a minimum of four hundred (400) square feet. There shall be a minimum of thirty (30) feet between tent sites;
 - e. Trailers shall be parked in spaces that:
 - 1) There will be a minimum of fifteen (15) feet between vehicles;
 - 2) There will be a minimum of fifteen (15) feet between all trailers and the exterior boundary of the park.
 - 3) There will be a minimum of twenty-five (25) feet between all trailers and all public rights-of-way located both inside and outside the boundaries of the trailer park or campground.
2. The storage, collection, and disposal of refuse shall not create health hazards, rodent harborage, insect breeding areas, accident hazards, or air pollution.

J. Individual Mobile Homes and Travel Trailers

A travel trailer or camper shall in no case be used as a mobile home, and any travel trailer in use as a temporary dwelling shall be stationed only in an authorized campground or trailer park. A travel trailer or camper while not in use may be stored on the premises of the owner.

K. Mobile Homes and Mobile Home Parks

1. Standards for Mobile Homes not in Mobile Home Parks.
- a. All bulk and space standards of the appropriate district shall be met.
 - b. The wheels and undercarriage shall be removed and the mobile home shall be placed on a foundation.
 - c. The foundation shall, as a minimum standard, consist of either:
 - 1) A continuous, perimeter concrete wall extending at least four (4) feet below finished grade. The wall shall be a minimum of eight (8) inches thick, reinforced, cast in place concrete. Steel reinforcement shall be provided for temperature and shrinkage stresses and suitable support shall be provided at the top of the formation to counteract internal foundation forces.
- OR**
- 2) A six (6) inch thick reinforced concrete slab, the horizontal dimensions of which are the same or larger than the trailer. The concrete slab shall be placed on not less than a twelve (12) inch layer of well-graded compacted gravel on a stripped subgrade. Suitable masonry piers shall be placed from the concrete slab to the trailer girders and hold-down wires or chain

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anchored into the slab will be provided. A suitable attached skirt extending from the concrete slab to the trailer shall be provided.

- d. In the absence of a full basement, suitable screening shall be provided to screen the oil tank.

2. Mobile Home Parks

Mobile homes in mobile home parks shall comply with all of the standards of Article 9, Section K.1 except those requirements relating to space and bulk. In addition, the following provisions shall apply to all development proposals for new construction of mobile home parks and to any expansion of existing mobile home parks.

- a. Plan - An approved mobile home park plan shall be necessary under the terms of this Ordinance, prior to the establishment or expansion of a mobile home park, and shall consist of a site plan, including all attachments, signed by the Planning Board, and may include any conditions attached by the Planning Board.

An approved mobile home park plan shall not exempt an applicant from meeting other applicable local, state, or federal requirements. A mobile home park shall be considered a subdivision, and shall be subject to the requirements of the Subdivision Regulations of the Town of Raymond, except as otherwise provided by the provisions of this Section.

- b. Access - No mobile home park shall be developed unless adequate access for mobile homes and attached vehicles, emergency vehicles, fuel delivery, refuse collection and other vehicles is provided.
- c. Placement of Units on Lots - All manufactured housing units shall be placed upon mobile home park lots. The bounds of each lot shall be clearly marked with permanent corner pins for each lot, and the lot shall be well surfaced or seeded to provide adequate drainage beneath and adjacent to any manufactured housing units parked thereon. Each space shall provide for:
 - 1) continuing and potable supply of safe and sanitary water;
 - 2) connection to an adequate sewage disposal system;
 - 3) adequate electric power service; and
 - 4) compliance with local, State and Federal laws pertaining to manufactured housing.

Each lot and unit shall be numbered with a sign that is visible day and night and legible from the road, and shall be easily accessible to emergency vehicles (permitting emergency vehicles to approach within 50 feet of the unit).

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Every lot used in a mobile home park shall be properly graded and drained for disposal of surface and stormwater.

- d. Lot Requirements - Notwithstanding other requirements of this Ordinance or other Town ordinances, lots shall meet the following requirements:

	Minimum Lot Sq. Ft.	Minimum Lot Size Width Feet
Lots served by public sewer	6,500	50
Lots served by individual wastewater subsurface disposal systems	20,000	100
Lots served by one (1) or more centralized subsurface waste disposal systems serving two (2) or more dwelling units and approved by the Maine Department of Human Services	12,000	75

Mobile home park lots located within any designated shoreland area shall meet the lot area, lot width, and shore frontage requirements of the district in which it is located.

- e. Overall Density - The overall density of any park served by any on-site wastewater disposal system shall not exceed one (1) dwelling unit for each twenty thousand (20,000) square feet of total park area.

The total area of a mobile home park shall not be less than the sum of the following:

- 1) the combined area of the mobile home park lots which shall each meet the minimum lot requirements;
 - 2) the area required for road rights-of-way;
 - 3) the area required for buffer strips;
 - 4) for parks served by public sewer, a minimum of open space area equal to ten (10) percent of the combined area of the lots; and
 - 5) the area within the shoreland setback.
- f. Setbacks - Manufactured housing units shall meet the following minimum setbacks:
- 1) On lots that abut a public way: the setback required for other residential uses.
 - 2) On lots that are located in a shoreland area: the setback from the high-water mark required in that district.
 - 3) Garages or accessory structures shall be so located on individual lots so that all parts of the structures are a minimum of 15 feet from all lot lines

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and 30 feet from any unit or other structure on either the same lot or adjacent lot.

- g. Buffering - If a park is proposed within a residential district at a density which is at least twice the density of existing adjacent development or at least twice the density permitted in the zoning district the park shall be designed with a fifty (50) foot wide buffer strip along all property boundaries. The buffer strip shall be maintained as a landscaped area containing no structures. Roads and utilities may cross the buffer strip to provide access to the park.

h. Road Standards

- 1) The road system shall be designed to provide safe and convenient access to all lots within the park and shall provide for all-season emergency vehicle access to every unit in the park.
- 2) Roads that the applicant proposes to dedicate as public ways shall be designed and constructed in accordance with the street standards contained in Article 9, Section 3, of the Subdivision Regulations of the Town of Raymond.
- 3) Roads which the applicant proposes to remain private ways shall:
 - a) be designed by a professional engineer, registered in the State of Maine, and built according to accepted engineering standards;
 - b) have a minimum right-of-way of 23 feet;
 - c) have a paved travel surface with a minimum width of 20 feet; and
 - d) meet the standards of the Manufactured Housing Board.
- 4) No lot within the park shall have direct vehicular access onto an existing public street. On-street parking shall be prohibited.
- 5) Any mobile home park expected to generate average daily traffic of 200 trips per day or more shall have at least 2 street connections with existing public streets. Any street within a park with an average daily traffic of two hundred (200) trips per day or more shall have at least two (2) street connections leading to existing public streets, other streets within the park, or other streets shown on an approved subdivision plan.
- 6) The intersection of any street within a park and an existing public street shall meet the following standards:
 - a) Minimum Angle of Intersection shall be 75%;
 - b) Maximum Grade within 100 feet of intersection shall be three (3) percent;

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- c) Minimum Sight Distance shall be ten (10) times the posted speed limit, measured from the driver's seat of a vehicle that is ten (10) feet behind the curb or edge of shoulder line with the height of the eye three (3) feet above the pavement and the height of object four (4) feet;
 - d) Distance from other intersections shall be no less than one 125 feet from the centerline of any other street intersecting that public street.
- 7) The application shall contain an estimate of the average daily traffic projected to be generated by the park, based on the "*Trip Generation Manual*", 1987 edition or the most recent edition, published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 vehicle trip ends per day, the application shall also include a traffic impact analysis, prepared by a registered professional engineer with experience in transportation engineering.
- i. Safety Standards - The safety standards contained in Rule 02-385 Department of Professional and Financial Regulation, Manufactured Housing Board, Rules Pursuant to Establishing a Criteria as a Guide to Allow Park Operators to Institute a Safety Standard in Order to Resell a Mobile Home in a Manufactured Home Community, shall apply to ALL manufactured units to be located in a mobile home park.
- j. Manufactured Housing Storage - No unoccupied manufactured housing unit or trailer shall be stored or exhibited for sale for commercial purposes within a mobile home park.
- k. Motor Vehicle Parking Space - Not less than 300 square feet of parking space shall be provided in every mobile home park for each individual manufactured housing space in addition to manufactured housing space requirements and all such spaces shall have a well-drained, stabilized or paved surface maintained in good repair.
- l. Playground Area - Not less than 150 square feet of play space for each individual manufactured housing space shall be provided and restricted in every mobile home park exclusively to playground and/or recreational use, and such spaces shall be protected from streets and parking areas and shall have a well-drained, stabilized or paved surface maintained in good repair. Adequate playground or recreational equipment shall be provided in this area.
- m. Utility Services - Every manufactured housing unit shall be provided with adequate hygiene and sanitation facilities. Water supply, water service, plumbing, sewage disposal and treatment, electric power service, bottled gas service, heating equipment and fuels, refuse and garbage storage and disposal, and insect and rodent control shall be provided in full conformity with all pertinent state and local health regulations.

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- n. Park Administration - The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all structures and their sites. Park management shall conform to State laws.
- o. Compliance with this Ordinance shall not exempt the park owner, developer, or manager from complying with other applicable local, state, and federal codes and regulations.
- p. Ownership of Park - The land within the mobile home park shall remain in a single, unified ownership. No lots or interest in lots shall be individually conveyed without the prior approval of the Planning Board, and any such lot sold or conveyed shall meet the lot size requirement for a site-built, single family dwelling in the respective zone in which it is located.
- q. Site Built Homes Prohibited - No dwelling unit other than a manufactured housing unit shall be located within the mobile home park.

L. Signs [Amended 06/02/09]

1. Definitions Specific to Sign Regulation

Alteration - A non-structural change or minor repair that does not involve replacing or reconfiguring the sign board or sign space, or the system used to affix the sign to the ground or to a structure. Change of color, lettering, logo, design or message constitutes alteration of a sign.

Fixed sign – A sign that is affixed in a permanent or semi-permanent manner to a sign post or sign mounting system in the ground or to a building or other structure.

Free Standing Sign - A fixed sign supported by one or more uprights or braces permanently affixed into the ground.

Identification Sign - A sign indicating the location of, or direction to, a separate function performed within one portion of that building. Examples of identification signs are: "entrance", "exit", "auditorium", etc. Identification signs do not name or advertise the activity conducted within or without the premises.

Portable sign - A sign that is not designed or intended to be permanently affixed in the ground or to a building or other structure.

Off-premise Sign - A sign which advertises goods and services not rendered on the premises on which the sign is located.

Reader board - A sign or portion of a sign on which the copy periodically changes or can be changed by manual, electronic or mechanical means.

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Replacement - A structural change to a sign such as a change to the braces, uprights, poles, or any portion of the system used to affix the sign to the ground or to a structure, or a change or reconfiguring of the sign board or sign space. A change of color, lettering, logo, design or message not involving structural change does not constitute a replacement.

Sandwich board - A sign that is not designed or intended to be permanently affixed in the ground or to a building or other structure, and that is displayed only while the business associated with the sign is open, and which contains copy set out in chalk, paint or print form which is easily changed but which is not removable lettering such as is typically found on reader boards. A sandwich board may be hung from a fixed sign or a structure, so long as they are not permanently or semi-permanently affixed.

Temporary advertising feature – An object displayed outdoors that is associated with commercial products or services or is intended to advertise, or draw attention to commercial products or services, and which may include models or replicas of products, inflatable devices, assemblages of flags, balloons or banners, and similar features or displays.

Temporary sign - A sign that is not designed or intended to be permanently affixed in the ground or to a building or other structure and that is, displayed for a temporary or limited timeframe.

Temporary commercial sign – A temporary sign that is associated with commercial products or services or is intended to advertise, or draw attention to commercial products or services.

2. Sign Permits

Except as otherwise herein provided, no person shall install, erect, or place a new sign or modify, move, replace, or make alterations to any sign, without first applying for and obtaining from the appropriate reviewing authority as set out in subsection 2.a below, a sign permit. Applications shall be on forms prescribed and provided by the Code Enforcement Officer setting forth such information as set out in subsection 2.b below and any other information that may be required by the reviewing authority for a complete understanding of the proposed work.

Applications shall be submitted to the Code Enforcement Officer, accompanied by the required fee as specified in the Schedule of Fees established by the Board of Selectmen. For Temporary Commercial Signs and Temporary Advertising Features the fee will be a refundable deposit to be forfeited to the Town if the applicant fails to remove the sign or advertising feature upon expiration of the permit.

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Applications to install, erect, or place a new sign or modify, move, replace, or make alterations to any sign that is part of a project that is required to receive Site Plan review shall be made part of the application for Site Plan review. Sign applications that are part of a Site Plan application, and that have paid a Site Plan review fee, shall not be required to pay a sign application fee except for fees for Temporary Commercial Signs and Temporary Advertising Features, if any.

a. Reviewing Authority

Except for temporary signs or temporary advertising features, Planning Board approval and permit under the provisions of this section shall be required for the installation or replacement of any sign that is part of a project subject to major or minor site plan review, or for any other sign application referred to the Planning Board by the Code Enforcement Officer.

Code Enforcement Officer permit approval under the provisions of this section shall be required for installation or replacement of all signs not subject to Planning Board review. Prior to permitting any sign that is proposed for a site that ever received site plan approval from the Planning Board or any new or replacement signs located within the Commercial District, the Code Enforcement Officer shall consult with the Town Planner. The Code Enforcement Officer may require that any sign application be reviewed for approval by the Planning Board if, in the opinion of the Code Officer, the staff review process is unable to adequately resolve all relevant issues raised by the sign application review process.

b. Application Information

Applications shall include a signage plan which contains information on the location and design of the proposed sign or alteration. The plans shall show the design, size, location, color, materials, contents and type of lighting for each proposed sign.

Unless, waived by the Reviewing Authority, applications proposing installation or alteration of a fixed sign in the Commercial District shall be prepared by a design professional experienced in commercial signage.

3. Exceptions

Permits are not required for:

- a. Political signs
- b. Trespass signs allowed under subsection 9.e
- c. Temporary real estate signs allowed under subsection 8.c
- d. Temporary development or construction site signs allowed under subsection 8.d

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- e. Temporary signs giving notice allowed under subsection 8.a
- f. Identification signs
- g. Name signs not exceeding one (1) square foot in area identifying occupants of the premises where such sign is located
- h. Signs erected and maintained for public safety and welfare or pursuant to and in discharge of any governmental function, or required by law, ordinance or governmental regulations
- i. Bulletin boards, reader boards or similar signs in connection with any church, museum, library, school or similar public structure
- j. Sandwich boards allowed under subsection 8.f
- k. Flags and banners allowed under subsection 8.e
- l. Changes to the content of established reader boards
- m. Signs that are located and displayed inside a building, whether visible outside of the building through a window or door.

4. Maintenance and Conformance of Signs

No sign shall be erected or altered except in conformity with the provisions herein. The sign must be kept clean, neatly painted and free from all hazards such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety or detrimental to physical appearance or scenic or natural beauty of the community, or constitute a distraction or obstruction that may contribute to traffic accidents.

5. General Safety Standards for Signs

No sign, whether new or existing shall be permitted in a location that causes a sight, traffic, health or welfare hazard, or results in a nuisance due to illumination, placement, display, or manner of construction.

6. Motor Vehicle Signs

Signs on motor vehicles are not subject to the regulations of this Section unless they have the effect of circumventing restrictions or limitations imposed by this Section. A sign on a motor vehicle will be presumed to have the effect of circumventing the restrictions or limitations of this Section if the motor vehicle is parked or stored in a location visible from a public way and one or more of the following circumstances exists:

- a. the motor vehicle is unregistered;
- b. the motor vehicle is uninspected;
- c. the sign is larger in any dimension than or extends beyond any surface of the motor vehicle to which it is attached;
- d. the motor vehicle is parked or stored continuously in the same location;

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- e. the motor vehicle is parked or stored in an area not designed, designated or commonly used for parking;
- f. the motor vehicle is regularly parked or stored in a front yard, as defined in this ordinance, or in the public right of way adjacent to the front yard when there is parking available in a side or rear yard; or
- g. the motor vehicle is regularly parked or stored in a location where a sign would not be permitted under this ordinance.

The presumption that a motor vehicle has the effect of circumventing this Section may be rebutted by evidence that the motor vehicle is parked or stored in a particular location for reasonable business or personal purposes not related to advertising, identifying, displaying, directing, or attracting attention to an object, person, institution, organization, business, product, service, event or location.

7. Decoration and Ornamentation

Decoration or ornamentation of buildings, structures or other features of a site, including wall murals, are not subject to the regulations of this Section unless they have the effect of circumventing the restrictions or limitations imposed by this Section. Decoration or ornamentation will be presumed to have the effect of circumventing the restrictions or limitations of this Section if one or more of the following circumstances exists:

- a. The decoration or ornamentation depicts any product or service offered to customers of a business located on the property (for example, painting an ice cream cone on the wall of an ice cream stand);
- b. The decoration or ornamentation depicts some component or aspect of the name of a business located on the property, (for example, displaying a statue of a dolphin on a restaurant named "The Dolphin"); or
- c. The decoration or ornamentation imitates or replicates any logo or symbol used to advertise or identify a business located on the property.

The presumption that any decoration or ornamentation has the effect of circumventing this Section may be rebutted by evidence that the decoration or ornamentation exists for some reasonable business or personal purpose not related to advertising, identifying or attracting attention to the products or services offered on the premises. Nothing in this paragraph prevents temporary decoration of buildings or structures or temporary displays on a site during holiday seasons when such decoration and display are customary.

8. Temporary Signs & Temporary Advertising Features

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The following temporary signs are allowed and shall conform to these standards and other municipal, state or federal ordinances, statutes or regulations:

a. Temporary Signs Giving Notice

Signs of a temporary nature such as advertisements of charitable functions, notices of meetings and other non-commercial signs of a similar nature, are permitted for a period not to exceed twenty-one (21) days and shall be removed by the person(s) who posted the signs within forty-eight (48) hours after fulfilling its function. Temporary signs specified in this section shall not be attached or painted to fences, trees, or other natural features, utility poles, or the like and shall not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.

b. Temporary Political Signs

Temporary political signs may be placed in any district, except in a floodplain, are not subject to lot line setbacks, and may be placed in a public right of way or on public property but not within 150 feet of an intersection or in such locations as will create a safety hazard. Political signs may not be placed within a right-of-way or elsewhere prior to six (6) weeks before the election, primary or referendum to which they relate and must be removed by the candidate or political committee not later than one week after Election Day. The maximum size of temporary political signs shall be 4 feet by 4 feet.

c. Temporary Real Estate Signs

One temporary real estate sign attached to a building or free standing may be erected advertising the sale, lease or rental of the premises upon which the sign is located. This sign shall be located on the property that is advertised for sale. Temporary real estate signs shall be removed from the premises within thirty (30) days after the property is sold or leased.

d. Temporary Development or Construction Site Sign

One temporary development or construction sign, attached to a building or free standing, may be erected provided such sign shall be limited to a general identification of the project and shall be removed within thirty (30) days after completion of the project.

e. Banners & Flags

A banner or flag, the dimensions of which do not exceed twenty-four square feet and on which there is only the word "open" and no other lettering or numbering, may be displayed by any retail business or service establishment

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(except home occupations) during the hours such business is open for customers and shall not be counted toward calculating the maximum number of signs or the maximum gross display area of signs on the property. This subparagraph does not prohibit or restrict displays of the United States Flag or the State of Maine Flag.

f. Sandwich Boards

One temporary sandwich board is allowed for each business provided it meets the requirements of this section. Sandwich boards shall not exceed three (3) feet in height or a total of nine (9) square feet per side in size. Sandwich boards shall not be counted toward calculating the maximum number of signs or the maximum gross display area of signs on the property. Sandwich boards may not include any source of illumination. Sandwich boards are allowed to be displayed outside only during the hours of operation of the business. Sandwich boards are not subject to lot line setbacks, and may be placed in the portion of a public right of way abutting the property containing the business as long as they are not placed in a travel way or on a public sidewalk and do not create a hazard.

g. Temporary Commercial Signs

One temporary sign for commercial purposes (including but not limited to advertising or announcing a new or relocated business) up to thirty-two (32) square feet of total façade area but no more than sixteen (16) square feet per side, shall be permitted in any district in connection with a legally permissible business conducted on the premises.

Temporary signs are allowed in addition to any sign permitted by this section. The area of the temporary sign shall not count toward the maximum sign area allowed for an individual property.

A temporary commercial sign is not subject to lot line setbacks but shall be located within the boundaries of the property on which the business is located. A temporary commercial sign shall not be placed in a travel way or on a public sidewalk and shall not create a hazard for pedestrians or vehicles.

Temporary commercial signs shall not be installed or displayed on the same property or on adjoining properties under the control of a single person or entity for more than four (4) thirty (30) day periods per calendar year, and such periods must be non-consecutive. In order to be considered non-consecutive, there shall be at least a fifteen (15) day interval between display periods. When more than one business is located on the same property or on adjoining properties under the control of a single person or entity, the limitations of this paragraph shall apply separately to each business.

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The Code Enforcement Office shall issue permits for temporary commercial signs ("temporary sign permit") for each non-consecutive thirty (30) day period which set out the expiration date of the permit. Temporary signs shall be removed on or before the expiration date set out in the temporary sign permit.

In addition to being subject to penalties and other sanctions for violations of this Ordinance, any business that allows a temporary sign to remain in place more than the thirty (30) consecutive days allowed by this section will forfeit the permit deposit to the town.

h. Temporary Advertising Features

One temporary advertising feature shall be permitted in any district in connection with a legally permissible business conducted on the premises.

Temporary advertising features are allowed in addition to any sign permitted by this section. The area of the temporary advertising feature shall not count toward the maximum sign area allowed for an individual property.

A temporary advertising feature shall be located so that it does not create a hazard for pedestrians or vehicles. A temporary advertising feature shall not be placed in a travel way or on a public sidewalk.

Temporary advertising features shall not be installed or displayed, on the same property or properties under the control of a single person or entity, more than four (4) non-consecutive ten (10) day periods per calendar year. In order to be considered non-consecutive, there shall be at least a fifteen (15) day interval between display periods.

The Code Enforcement Office shall issue permits for temporary advertising features ("temporary advertising feature permit") for each non-consecutive 10 day period, which set out the expiration date of the permit. Temporary advertising features shall be removed on or before the expiration date set out in the temporary advertising feature permit.

Any business that allows a temporary advertising feature to remain in place more than the ten (10) consecutive days allowed by this section will forfeit the permit deposit to the town.

9. Regulations Applicable to All Signs

a. Off-premises signs

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Off-premises signs are prohibited. All signs shall be located on the property containing the business to which the sign relates, subject to the provisions of subsection 11 below.

b. Reader Boards

Reader boards attached to permanent signage are allowed so long as they do not occupy more than 50% of the area of the sign. Reader boards shall contain no more than four (4) lines of text and the lettering on the Reader board shall not be less than 6" in height. The area of the Reader board shall be counted toward calculating the maximum gross display area of signs on the property. A reader board may contain an electronic message sign, and may include a time and/or temperature display so long as the time and/or temperature display complies with the requirements for time and/or temperature signs in subsection 9.c below. A reader board must also comply with the requirements for changeable signs under 23 M.R.S.A. § 1914(11-A), as amended from time to time.

c. Time and/or Temperature signs

Time and/or Temperature Signs are allowed, and any sign otherwise permitted may include a time and temperature sign, provided that a time and/or temperature sign not be established within 2,500 feet of another time and temperature sign. A time and/or temperature sign shall be limited to 10 square feet in area and may not be located more than 10 feet above grade. The area of the time and/or temperature sign shall be counted toward calculating the maximum gross display area of signs on the property. The electronic display of a time and/or temperature sign shall not change more often than one time per minute. A time and/or temperature sign shall also comply with the requirements for changeable signs under 23 M.R.S.A. § 1914(11-A), as amended from time to time.

d. Illumination & Animation

Sign illumination, if any, shall be a non-flashing light. Animated display or flashing signs are prohibited.

e. Trespass signs

Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

f. Roof mounted signs

Signs shall not be mounted to, nor placed upon the roof of any building.

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g. Street numbers

Any premise which utilizes an advertising sign or other sign identifying the premises to the traveling public must display its street numbers on at least one of the permanent signs permitted under this Section in a location visible from the nearest street. The characters of the street number shall be at least 6 inches high. The street number shall not be counted as part of the gross display area of the sign unless characters larger than 6 inches high are used for the street number and/or the street name, in which case the area which exceeds that which would be covered using 6 inch characters shall be counted as part of the gross display area. The street number must be displayed on all permanent signs erected, repaired, altered (including change in message) or replaced after June 2, 2009 unless another permanent sign on the same premises already displays the street address in compliance with this paragraph.

10. Specific Standards

- a. The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential-Recreation I, Limited Residential-Recreation II, Village Residential I, Village Residential II, Rural and Rural Residential districts, and any other residentially-zoned districts.
 - 1) Signs related to goods and services lawfully sold on the premises are allowed, but shall not exceed six (6) square feet in area, and shall not exceed two (2) signs per premises except as otherwise allowed pursuant subparagraph (4) below.
 - 2) Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
 - 3) No sign shall extend higher than twenty (20) feet above the ground.
 - 4) Signs advertising approved commercial uses in the residential zones fronting on Route 302, will be allowed to the maximum size and number allowed in the commercial zone.
 - 5) Signs advertising approved agricultural uses in the residential zones will be allowed to the maximum size and number allowed in the commercial zone. *[Adopted 07/06/2017]*
- b. The following provisions shall govern the use of signs in the Commercial District.
 - 1) Signs permitted in this district include free standing signs and signs attached to a building or structure, identifying uses of goods sold or

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services rendered on the premises. Signs attached to a building may project out from the façade of the building but may not be mounted to the roof of the building. Signs may be single or double-faced.

- 2) The maximum display area of permanent signs in this district shall be an amount equal to one (1) square foot of area for every foot of street frontage to a maximum of two hundred eighty eight (288) square feet for each premise.
 - 3) Detached signs may extend to a maximum height of twenty (20) feet above the level of the ground upon which they are erected.
 - 4) Signs attached to a building may extend a maximum of ten (10) feet above the level of the eaves of roofs.
 - 5) Signs shall be located only in the front yard or along the front property line in cases where the commercial lot abuts a lot in a residential district. Any sign within ten (10) feet of the property line shall have the bottom of the sign not less than six (6) feet above the level of the adjacent traveled surface.
 - 6) No sign shall be more than four (4) feet above the peak of the roof and no sign shall protrude out from the building more than twelve (12) inches.
 - 7) No sign shall be more than 12 feet by 12 feet and not to exceed 288 square feet in size including the two sides of a freestanding sign.
 - 8) Signs attached to buildings shall not exceed 4 feet by 8 feet.
- c. The following provisions shall govern the use of signs in the Industrial District.
- 1) Signs permitted in this district include free standing signs and signs attached to a building or structure, identifying uses or articles produced or services rendered on the premises. Signs attached to a building may project out from the façade of the building but may not be mounted to the roof of the building. In cases where the industrial lot abuts a lot in a residential district, the sign shall be constructed in a manner such that it will be oriented in a direction other than toward the residential district.
 - 2) Signs will be allowed to the maximum size allowed in the commercial zone but will be at the discretion of the Reviewing Authority to meet the standards of the area located.

11. Non-Conforming Signs

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The eventual elimination of non-conforming signs is an objective of the town. Such elimination of nonconforming signs shall be brought about over a period of time and in such manner as to avoid the invasion of vested rights of the sign's owner and the infliction of unnecessary hardship.

Any sign existing as of June 2, 2009 which does not conform to the regulations and requirements of this Section and any sign existing on the effective date of any amendment to this Section which renders the sign nonconforming may continue to be used and maintained in a condition of good repair until removed, pursuant to the following provisions:

- a. When any sign no longer advertises a bonafide business conducted, product sold, activity being conducted, or public notice, the owner, agent or person having the beneficial use of the building or premises upon which such sign is located shall, within thirty (30) days after the activity has ceased, remove and replace the sign with a clean, neat, and well maintained façade or covering so as not to cause detriment to the physical appearance or scenic beauty of the community.
- b. When any sign which does not conform to the regulations and requirements of this Section does not, for a consecutive period of two years or more, advertise a bonafide business conducted, product sold, activity being conducted, or public notice, the owner, agent or person having the beneficial use of the building or premises upon which such sign is located shall permanently discontinue the use of that sign until such time as it conforms to the regulations and requirements of this Section.
- c. Any permanent sign existing as of June 2, 2009 that does not conform to the regulations and requirements of this Section shall be removed no later than June 2, 2019 except that a free standing sign, located outside of the lot containing the business to which the sign relates, but in the portion of a public right of way abutting the property containing the business, and which does not create a hazard for pedestrians or vehicles, may continue in that location, subject to any authority or decision of the State, until such time as there is a change to the braces, uprights, poles, or any portion of the system used to affix the sign to the ground.
- d. Alterations may be made to any permanent sign existing as of June 2, 2009 that does not conform to the regulations and requirements of this Section prior to June 2, 2019 without bringing the sign into conformance with the regulations and requirements of this Section.
- e. Any temporary or portable sign existing as of June 2, 2009 that does not conform to the regulations and requirements of this Section shall be removed

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no later than December 2, 2011.

M. Soils

All land uses shall be located on soils that are suitable for such proposed uses from the point of view of preventing adverse environmental impacts including erosion, mass soil movement, and water pollution. In cases of proposed structural development or other similar intensive land uses, the determination of soil conditions shall be based on a soils report, identifying soil boundaries and names, prepared by a State-certified soil scientist, geologist or registered professional engineer based on an on-site investigation. Suitability considerations shall be based primarily on suitability as described by the National Cooperative Soil Survey as modified by on-site factors such as depth to water table and depth to refusal.

N. Timber Harvesting

All timber harvesting shall be governed by the provisions of Maine Revised Statute Title 12, Chapters 805 and 807, to the extent applicable, as well as the following regulations. Landowners may be required to provide notification of a timber harvest to the Maine Bureau of Forestry and to the municipal clerk prior to commencing timber harvesting operations. Timber harvesting in Shoreland Districts shall also be in accordance with the regulations of the Shoreland Zoning Provisions of the Town.

1. No accumulation of slash shall be left within fifty (50) feet of a road or street. At distances greater than fifty (50) feet from the road or street to the limits of the area covered by this Ordinance, all slash shall be disposed of in such a manner that it lies on the ground and no part thereof extends more than six (6) feet above the ground.
2. Timber harvesting activities shall be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters.

O. Water Quality Protection

No activity shall store, discharge or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature, such that it will run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

P. Agricultural Uses

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1. Farm buildings, other than dwellings, shall not be erected within fifty (50) feet of a neighboring property line or one hundred (100) feet from an existing dwelling on neighboring land, whichever is farthest.
2. Feed lots, fenced runs, pens, and similar intensively used facilities for animal raising and care shall not be located within one hundred (100) feet of a neighboring property line, excluding pastures.
3. Nothing shall prohibit the keeping of household pets such as dogs and cats. The keeping of horses, ponies, and other large pets or the raising of more than two (2) of each species of such animals six (6) months old or older requires conformance to Sections (1) and (2) above and conformance with the minimum lot size of the applicable land use district.

Q. Lot Structural Coverage

In all districts except the Commercial District, lot coverage by structure(s) shall not exceed fifteen (15) percent of the lot. There shall be no lot coverage requirement in the Commercial District. *[Adopted 5/16/87] [Amended 6/7/16]*

R. Driveway Construction

A new driveway in any zone shall be constructed and maintained to prevent water or runoff from reaching the paved or traveled portion of the street. This standard shall not be subject to a waiver by the Planning Board or a variance by the Board of Appeals. *[Adopted 12/19/91] [Amended 5/15/93] [Amended 3/20/99]*

S. Wireless Communication Facilities

Available under separate cover

T. Back Lots and Back Lot Driveways *[Adopted 5/18/02][Amended June 4, 2013]*

Back lots may be developed for single-family residential use if they are served by a back lot driveway approved by the Reviewing Authority pursuant to with the following provisions:

Reviewing Authority. The Reviewing Authority is defined as the Code Enforcement Officer (CEO) or Planning Board. The CEO may grant permit approval under the provisions of this section, however Planning Board permit approval shall be required for any application seeking a waiver of any submission requirements or any criteria of this section which are allowed to be waived. The CEO may require that any application be reviewed for approval by the Planning Board if, in the opinion of the CEO, the staff review is unable to adequately resolve all relevant issues raised by the Back Lot Driveway application.

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1. The back lot driveway must be located within a right-of-way with a minimum width of 50 feet. The Planning Board may approve a back lot driveway right-of-way with a minimum width of 40 feet if it determines that no alternative exists. The right of way must be conveyed by deed recorded in the Cumberland County Registry of Deeds to the owner of the back lot.
2. A legal description of the back lot right-of-way by metes and bounds shall be attached to any building permit application for construction on the back lot.
3. A back lot right-of-way shall be created only over a front lot that meets street frontage requirements along a street that is consistent with Town construction and design standards for a public or private street. Lot dimensional size requirements shall be consistent with the Town of Raymond Land Use Ordinance at the time of creation of the right of way. That portion of the front lot within the right of way shall be considered part of the front lot for purposes of space and bulk regulations. The back lot right- of- way shall be considered the front of the lot for the purposes of determining the front setbacks for both the existing and newly created lot(s). Existing buildings on the front lot need only be set back from the right-of-way by a distance equivalent to the minimum side setback in the applicable zoning district. For front lots that are vacant on the effective date of this ordinance, access to future buildings on the front lot shall be from the right of way. For the purposes of this section, the portion of the back lot driveway within the back lot may not be used to satisfy the back lot's minimum lot area requirement, and the applicable frontage requirement for the back lot shall be met by the portion of the back lot driveway within the back lot.
4. A back lot driveway shall originate from a street constructed in accordance with the Town of Raymond Street Ordinance standards for a public or private street. The back lot driveway design shall include a turnaround layout that meets the design standards in the Town of Raymond Street Ordinance and that will accommodate safe emergency vehicle access to the lot. A private street shall meet the minimum private street standards for the section of road 300 feet on both sides of the intersection where the back lot driveway originates. The Planning Board may waive this requirement to no less than 200 feet, if deemed adequate to maintain a safe site distance.
5. If the front lot is already developed, the existing driveway shall be relocated to the back lot right of way unless there exists a minimum of 100 feet between the existing driveway and the newly proposed right of way, or the Planning Board determines that such relocation is prohibited by site conditions or the orientation of existing buildings.
6. A back lot driveway shall serve no more than two back lots unless it is improved to meet the standards for private streets in Section 5.5 of the Raymond Street Ordinance. In the event the creation of both back lots are not part of the same approved plan, prior to the creation of a second back lot, the applicant shall

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submit for review and approval a proposed revision of the back lot driveway plan previously approved by the Reviewing Authority and a plan for driveway maintenance as described in paragraph 7.

7. If more than one residence is to have access to the back lot driveway, the application shall include a plan setting forth how the street and associated drainage structures and required buffers and stormwater management facilities are to be maintained. Responsibility may be assigned to a lot owners association or to lot owners in common through provisions included in the deeds for all lots that will utilize the back lot driveway for access. The applicant shall submit appropriate legal documentation such as proposed homeowners association documents or proposed deed covenants for Reviewing Authority review. This documentation must address specific maintenance activities such as summer and winter maintenance, long-term improvements and emergency repairs and include a mechanism to generate funds to pay for such work.
8. No more than one back lot right-of-way may be created out of a single front lot unless each subsequent right-of-way is created out of at least an additional amount of frontage as required in the applicable zoning district. The entrances of such rights of way onto the existing road shall be separated by a distance equivalent to at least the required frontage in the zoning district plus half the right of way width.
9. The back lot must comply with all space and bulk regulations in the applicable zoning district as well as the lot standards of Article 9, Section U of the Town of Raymond Land Use Ordinance.
10. The minimum travel way width of a back lot driveway shall be 12 feet with 1 foot shoulders. The maximum grade shall be 12 percent, with a maximum grade of 3 percent for the first 50 feet. The minimum grade shall be 0.5%. The roadway crown shall be $\frac{1}{4}$ " per one foot, except that the roadway crown shall be $\frac{1}{2}$ " per one foot for unpaved or gravel road surfaces. The minimum angle of the intersection of the back lot driveway with the roadway shall be 75 degrees.
11. All applications for a back lot driveway to be submitted for review by the Reviewing Authority shall include the following information:
 - a. Names of applicants and owners of land for the location of the proposed back lot driveway.
 - b. A statement of any legal encumbrances on the land and a statement regarding any waivers requested for the location of the back lot driveway.
 - c. The anticipated starting and completion dates.

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- d. The plans shall be prepared by a registered land surveyor or engineer and shall include the following:
 - i. Date, scale and magnetic or true north point.
 - ii. Locations of all existing and proposed overhead and underground utilities including, but not limited to, water, sewer, electricity, telephone, fuel storage, lighting and cable television.
 - iii. The plan shall include any back lots that are to be accessed by the proposed back lot driveway. Such lots shall conform to the requirements of Section U. and the plan shall include lot bearings, distances and proposed monumentation.
 - iv. Plans shall include a plan view and typical cross-section of the proposed back lot driveway including a locus map with the locations of any streets or driveways located within 300 feet.
 - v. Kind, size, location and material of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways. All drainage structures shall be designed and sized in accordance with a stormwater management plan prepared by a registered professional engineer in conformance with the requirements of Article 9, Section X the Planning Board, an applicant may meet the requirements of the Point System by allowing the use of land on abutting lots with proof of easement and a legally binding agreement assigning specific maintenance duties and responsibilities.
 - vi. A phosphorous impact plan must be included in the application package in conformance with the requirements of Article 9, Section X. of the Raymond Land Use Regulations for a back lot driveway entirely or partially located within 600 feet (horizontal distance) of the normal high water line of a great pond or river, 250 feet (horizontal distance) of the upland edge of a freshwater wetland, or 100 feet (horizontal distance) of the normal highwater line of a stream, unless otherwise triggered by State or Federal law.
 - vii. A soil erosion and sedimentation control plan in conformance with the requirements of Article 9, Section U. 5 of the Raymond Land Use Ordinance.
12. If the Reviewing Authority determines that due to site conditions, proximity of nearby uses, traffic conditions or similar circumstances that a public hearing is advisable, the CEO may refer the application to the Planning Board, which may schedule a public hearing at its next regularly scheduled meeting. The applicant shall submit plans and design information within at least twenty-one (21) days prior to a scheduled Planning Board hearing. The Board shall cause notice of the date, time and place of such hearing to be given to the applicant and all property owners abutting the proposed back lot driveway and lots that are to be accessed by

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the back lot driveway, to be published in a newspaper of general circulation in the Town of Raymond at least 7 days prior to the hearing.

13. The Reviewing Authority shall review the application and determine whether it complies with the requirements of this Section. The Reviewing Authority shall grant or deny approval on such terms and conditions, as it may deem advisable to satisfy all applicable ordinances. In all instances, the burden of proof shall rest upon the applicant. In issuing its decision, the Reviewing Authority shall make a written finding of fact establishing that the application does or does not meet the provisions of applicable ordinances. The Reviewing Authority shall sign the approved plan. The applicant must record the approval in the Cumberland County Registry of Deeds within 30 days of approval. If the applicant does not record the approval within 30 days of approval, then the approval becomes void unless the recording period is extended by the Reviewing Authority of good cause shown.
14. For front lots that are vacant on the effective date of this ordinance, access to future buildings on the front lot shall be from the back lot driveway right of way. For the purposes of this section, the portion of the back lot driveway within the back lot may not be used to satisfy the back lot's minimum lot area requirement, and the applicable frontage requirement for the back lot shall be met by the portion of the back lot driveway within the back lot.

U. Lots [Adopted 5/18/02]

With the exception of lots approved after the effective date of this ordinance by the Planning Board under the provisions of the Raymond Subdivision Regulations, any person proposing to create a lot within the Town of Raymond shall, prior to the creation of such lot by any means, including, but not limited to, conveyance, lease, building, development, gift, bequest or otherwise, demonstrate to the satisfaction of the Code Enforcement Officer that the following standards will be complied with. The Code Enforcement Officer shall maintain a file of each such lot, which shall contain documentation as to the manner in which the standards shall be met. Prior to the issuance of a building permit for a principal structure, documentation shall be placed in the property file maintained at the Town Office indicating that any improvements or restrictions required under this subsection will be complied with.

1. Lot Dimensions and Measurements

- a. A lot must be dimensioned to contain within its boundaries an area as would be defined by a circle with a minimum diameter equal to the required minimum road frontage in the applicable zoning district. In addition, the minimum width of each lot at the required front setback must equal or exceed the minimum road frontage in the applicable zoning district. The requirements in this paragraph do not apply to lots approved pursuant to the provisions of Article 13 for single-family cluster subdivisions.

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- b. Depth of a lot shall be considered to be a line perpendicular to the lot frontage and extending from the foremost points of the side lot lines in the front to the rear most points of the side lot lines in the rear.
- c. Width of a lot shall be considered to be the distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- d. Setback measurements shall be measured from the property line, road right of way line, or the normal high water mark to the nearest part of a building on the lot. *[Amended 8/7/07]*

2. Minimum Developable Area per Lot

Each lot shall have developable area for the construction of buildings and other improvements without utilizing land unsuitable for development. The developable area shall have a minimum width and a minimum depth equivalent to one-half ($\frac{1}{2}$) of the required frontage except that one dimension may be decreased by up to 25% as long as the other dimension is increased by an equivalent amount. The developable area shall be located outside of any setback areas and be free of wetlands, floodplains and slopes in excess of 33%. For the purposes of this paragraph, "wetlands" means those wetlands as identified on the National Wetland Inventory Map, "floodplains" are as presented on the Flood Insurance Rate Map, and "slopes in excess of 33%" are as illustrated on the U.S. Geological Survey Map.

3. Limited Access to Lots Abutting Town Roads

It is the objective of these provisions to preserve the historic character, rural appearance, and safe operation of Raymond's public ways. Any lot that abuts a town way shall be developed in the following manner. The lot shall be limited to one driveway onto a public way. If an adjacent lot on the public way is vacant, the driveway shall intersect the public way at the common lot boundary. This provision is designed to allow two adjacent lots to create separate driveways but share a single point of access onto the town way. The Code Enforcement Officer may approve separate points of access for adjacent lots if he determines that, due to the presence of wetlands, ledge, inadequate sight distance or similar conditions, a single point of access would not be possible.

4. Septic Systems *[Amended 12/2/08]*

Septic tanks and disposal fields shall meet the setback distances from on-site and off-site features as required in the "Maine Subsurface Waste Water Disposal Rules" (Rules). In addition, on lots approved by the Planning Board under the provisions of the Raymond Subdivision Ordinance and for which a hydro-geologic assessment conforming to Article 8, section 13 (Impact on Ground

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Water) of the Subdivision Ordinance has been submitted, septic tanks and disposal fields shall be located as shown on the approved Subdivision Plan.

A minimum of two test pits shall be dug and recorded on the Subsurface Wastewater Disposal System Application, HHE-200 form completed by a Maine Licensed Site Evaluator or Licensed Soil Scientist for each bed area. The leaching bed design shall be based on the most restrictive of the test pits.

An application for an individual septic system shall be completed by a State Licensed Site Evaluator in full compliance with the requirements of the Maine Subsurface Wastewater Disposal Rules.

Plans for Engineered Wastewater Disposal Systems, as defined in the Maine Subsurface Wastewater Disposal Rules shall be designed by a professional Civil Engineer and approved by the State of Maine Department of Human Services.

The local Plumbing Inspector may approve variances to well, septic system and property line setbacks consistent with the Maine Subsurface Wastewater Disposal Rules and based upon documentation provided by a Licensed Site Evaluator (or professional with comparable expertise) that adjacent properties will not be adversely affected. However, minimum setback distances from water bodies for all new subsurface wastewater disposal systems shall not be reduced by variance.

5. Erosion Control

Lots subject to Article 10, Site Plan Review, shall conform to the requirements of Article 10, Sections D, 1, 27 and F, 16. For all other lots the applicant shall submit a site plan that demonstrates to the satisfaction of the Code Enforcement Officer that the project will comply with this standard. *[Amended 12/2/08]*

Erosion of soil and soil particles by water, wind, ice or gravity can occur whenever the surface of the ground is disturbed by a development activity. Erosion control practices are intended to prevent the onset of erosion while sedimentation control practices are necessary to compensate for erosion control practices that are not effective.

Erosion can be minimized by:

- Diffusing stormwater where possible rather than concentrating it in ditches and culverts
- Where water cannot be diffused, directing it to culverts and stabilized ditches of adequate capacity and diverting it around disturbed areas
- Minimizing the area of exposed soil at any time
- Minimizing the creation of steep “cut” or “fill” slopes during construction but where unavoidable, stabilizing slopes as soon as possible after disturbance

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- Preserving natural vegetative buffers between construction areas and water bodies
- Maintaining maximum setbacks between construction and water bodies
- Mulching bare soil immediately after disturbance
- Reseeding as soon as possible

The applicant shall submit an Erosion and Sedimentation Control Plan prepared in conformance with the Maine Erosion Control BMPS, Bureau of Land and Water Quality Maine Department of Environmental Protection, March 2003 and as amended. *[Amended 12/2/08]*

The plan must be prepared by a professional who is registered, licensed, or certified in a related land use field, or by education, training, or experience is knowledgeable in erosion and sedimentation control.

V. Shipping Containers

1. Residential Zoning Districts

- a. Shipping containers are not permitted in a residential zoning district. A property owner may apply for a shipping container permit from the Code Enforcement Officer (CEO) to continue use of not more than one shipping container on a residential lot if he/she can demonstrate to the satisfaction of the CEO that such shipping container was on his/her lot and in active use as of January 1, 2004. The CEO shall not issue such permit unless the property owner has submitted a written application within six (6) months of the effective date of this ordinance. The application shall include information on the container's size, type and location on the property. No such container shall be located within a required setback or between the principal structure and the front lot line.
- b. A property owner may apply for a shipping container permit to temporarily locate a single shipping container on a lot in a residential zoning district for a period not to exceed six (6) months. Use of such shipping container shall be limited to the temporary storage of residential goods, such as household furniture, appliances, bathroom fixtures, clothing and similar items, while the residence is being remodeled or is being repaired after damage due to fire, flood or similar event. A three (3) month extension of a shipping container permit may be granted at the discretion of the CEO.

2. Non-Residential Zoning Districts

- a. Shipping containers are permitted in non-residential zoning districts subject to Site Plan Review by the Planning Board and issuance of a shipping container permit by the CEO and further subject to the following standards:

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- 1) Their use is limited to the temporary storage of goods, products or materials that are manufactured or assembled on the site or used in manufacturing and assembly on the site.
 - 2) The total floor area of all shipping containers on a lot shall not exceed seven hundred (700) square feet.
 - 3) They are located outside of any required setback, parking space or vehicle maneuvering area.
 - 4) They do not adversely affect sight distance at any point of access from the site onto a public or private way.
 - 5) They do not adversely affect stormwater flow across the site.
- b. A property owner may apply for a shipping container permit from the Code Enforcement Officer (CEO) to continue use of shipping containers on a non-residential lot if he/she can demonstrate to the satisfaction of the CEO that such shipping containers were on his/her lot and in active use as of January 1, 2004. The CEO may not issue such permit unless the property owner has submitted a written application within six (6) months of the effective date of this ordinance. The application shall include a site plan that shows the location of all shipping containers in relation to existing improvements and demonstrates compliance with the standards of subsection 2, a, 1-5. In the event the site does not comply with one or more of the subsection 2, a standards, the application shall include a written plan demonstrating how the site will be brought into conformance within three (3) months of issuance of a shipping container permit. If the CEO determines that the site has not been brought into compliance with the subsection 2.a standards within this time period, he/she may revoke the shipping container permit and order all shipping containers removed from the site.
- c. Shipping containers may be temporarily placed on property in a commercial or industrial district where a construction project is occurring and utilized for the storage of construction materials, equipment, tools, etc. without a shipping container permit from the CEO. In all cases, such shipping containers shall not be placed where they will diminish or negatively impact sight distance, cause a hazard to the traveling public, or negatively impact existing stormwater flow across the site. Such shipping containers shall be removed within thirty (30) days after the completion of the construction project. *[Adopted 5/15/04]*

W. Multi-family Development

1. Purpose: These provisions are intended to promote a unified development, which will be in harmony with surrounding uses. Multi-family subdivisions are considered to be the same as multi-family developments and must conform to the standards set forth in this section.

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2. Location: Multi-family cluster subdivisions shall be permitted only in the Village Residential District.
3. Space and bulk requirements:
 - a. A buffer strip of at least fifty (50) feet shall be required along the existing road frontage. Access to the subdivision shall be limited to the interior road system. A maximum of two entrances for the interior road system shall be permitted through the buffer strip;
 - b. A buffer strip of at least two hundred fifty (250) feet shall be required for subdivisions bordering a lake, river, or in any other area with shoreline frontage;
 - c. Distances between principal adjacent buildings shall be a minimum of the height of the tallest building. All other space and bulk requirements listed in Article 4, Section A.4, shall be maintained.
4. Recreation and Open Space Requirements:
 - a. Depending on the size and location of the subdivision, the Planning Board may require the developer to provide up to ten (10) percent of the total area for recreation. It is desirable that areas reserved for recreation is at least one (1) acre in size and easily accessible from all lots or units within the subdivision.
 - b. Open space shall be either dedicated to public use through agreement of the Town of Raymond Selectmen or shall be reserved for the use of residents and guests of the subdivision. It shall not be used for commercial recreation or for private clubs whose membership is different from the Condominium or Homeowner's Association.
 - c. Open space areas, except for the required buffer strip of fifty (50) feet on existing roads, shall be contiguous, where possible.
 - d. Common open spaces shall be shown on the subdivision plan and with appropriate notation that it shall not be further subdivided for any other use.
 - e. When reviewing the site design of the proposed type of open space, the Planning Board shall consider the following criteria:
 - 1) Buildings, streets, and parking areas shall be designed and situated to minimize alteration of natural site features to be preserved;
 - 2) The usability of open space intended for recreation or public use shall be determined by the size, shape, topographic and location requirements of the particular purpose proposed for the site;

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- 3) Open space shall include irreplaceable natural features located on the tract (such as but not limited to, stream beds, significant stand of trees, individual trees of significant size, and rock outcroppings);
- 4) Open space intended for recreation or public use shall be easily accessible to pedestrians;
- 5) The suitability of open space intended for scenic value and purposes shall be determined by its visibility from a significant number of units or buildings or length of streets;
- 6) Diversity and originality in individual building design shall be encouraged to achieve the best possible relationship between development and the land;
- 7) Buildings, and units shall be arranged and situated to relate to surrounding properties, to improve the view from and the view of buildings, and to lessen areas devoted to motor vehicle access;
- 8) Buildings, units, and parking areas shall be situated to avoid the adverse effects of shadows, noise, and traffic on the residents of the site.

5. Ownership and Maintenance

- a. Ownership: Common open space, which is not deeded to the Town of Raymond after approval by the Town, shall be owned in common by all owners of units in multi-family development. Ownership percentages shall be apportioned among all owners and shall be recorded on their deeds. A listing of ownership percentages shall be filed with the Town Assessor before the first unit is sold. Each owner shall be assessed a percentage of the property tax levied on the common open space and shall be responsible for its payment.
- b. Maintenance: Maintenance of open space not deeded to the Town of Raymond shall be the responsibility of all unit owners. A Condominium or Homeowners' Association shall be organized; one of whose purposes shall be the maintenance of common open space. Membership shall be compulsory and assessments, sufficient to provide for adequate maintenance, shall be levied. All relevant legal papers shall be submitted to the Planning Board for review and approval before the subdivision is approved. Until fifty-one (51) percent of all units have been sold, and a Condominium or Homeowners' Association organized, the developers shall be responsible for maintenance of the common open space. Owner(s) of multi-family rental developments are responsible for maintenance.

X. Stormwater Quality and Phosphorous Control [Amended 12/2/08]

The direct discharge of stormwater from ditches, swales and developed sites to streams and lakes can contribute to water pollution as stormwater can contain sediment, nutrients such as phosphorus, hydrocarbons and other harmful substances. These impacts can contribute to degraded water quality or promote algae blooms further depleting necessary components to maintain a safe and effective ecosystem. Increased

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stormwater runoff flows can also damage roads, ditches, culverts and other drainage structures that are not designed to accommodate storm flows. These problems can worsen when an undeveloped woody or well vegetated site is cleared for development since stormwater that was previously intercepted by vegetation and absorbed into the ground is allowed to flow more freely across and ultimately off the site. The closer post-project proposed stormwater flows are kept to pre-project original undeveloped conditions in terms of volume, rate, timing and pollutant load for the area encompassed by a project, the less likely that stormwater will damage the site, or public or private property, or cause harm to water bodies.

The introduction of excessive amounts of phosphorus from developed areas into lakes and ponds has been identified as a significant threat to water quality. The introduction of stormwater quality treatment Best Management Practices (BMPs) can minimize impacts to receiving wetlands and water bodies. The preferred stormwater treatment BMP for residential lots is the incorporation of naturally vegetated buffers whenever site conditions are suitable. Alternative stormwater treatment BMPs for residential lots, such as but not limited to infiltration, bio-retention measures, soil filter swales, and wetponds which should be used when site conditions on the lot prevent the effective use of buffers.

The purpose of this standard is to maintain the water quality of the area's lakes, ponds and streams by preventing the introduction of excessive amounts of pollutants to water bodies.

1. Applicability

This section shall apply to all development, construction, alteration or building on lots, where any portion of the lot is within 600' of a great pond, as measured from the normal high water mark, or 100' of a perennial stream, as identified on a USGS map. Projects that must meet this standard include, but are not limited to;

- a. All lots subject to Site Plan Review including any additions, modifications, or new commercial, retail, industrial, institutional and/or recreational structures and uses that have not received prior approval by the Planning Board that included a Phosphorus Export Analysis or a Stormwater Plan that meets the applicable requirements of the State of Maine Chapter 500 Stormwater Rules, Stormwater Standards, as amended.
 - 1) All such lots subject to Article 10 Site Plan Review shall conform to the requirements of Article 10, Sections D, 14 and E, 1, e in addition to the provisions of this section.
 - 2) Except for Minor Developments and Minor Modifications, for which Planning Board approval is not required, and the Planning Staff may approve, all projects subject to Site Plan Review shall submit a

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phosphorus export analysis and calculations based on “*Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development*” (latest edition), issued by Maine DEP. Minor Developments and Minor Modifications subject to Planning Authority review only shall use the point system in Section 2, a. [Amended 6/7/16]

- b. New residential structures and uses that have not received prior approval by the Planning Board that included a Phosphorus Export Analysis, or a Stormwater Plan that meets the requirements of the State of Maine Chapter 500 Stormwater Rules, Stormwater Standards, as amended.
- c. Expansions of existing single family structures and duplexes, new accessory structures associated with single family structures and duplexes, or extensions of more than 150 feet of existing driveways, any of which individually or cumulatively increase the impervious area on the lot by 1,500 square feet or more.

2. Application Review

The applicant shall submit a site plan that demonstrates to the satisfaction of the applicable Planning authority of either the Planning Board or the Planning Staff Code Enforcement Officer and Planner) that the project will comply with this standard. Such plans shall be completed by the applicant, or qualified designer, or design professional, with stormwater design and management expertise. The Planning authority shall review the Stormwater and Phosphorus Management Plan and approve a permit based on one of the following methods. If the Planning authority determines, because of particular circumstances of the property, that a third party review of the stormwater and phosphorous management control plans would help achieve the purposes of this ordinance, the Planning Authority may require review and endorsement of such plans by a third party qualified in stormwater design and management, or State of Maine Professional Engineer to conduct such review, the cost of which shall be borne by the Applicant. [Amended 6/7/16]

a. Point System

1) Point Credits

The Planning Staff or Authority shall issue a Stormwater and Phosphorus Management Control Permit if the applicant meets or exceeds fifty (50) points based on the following point schedule. The applicant shall submit a Sketch Plan of the lot showing how each of the following point credits, or deductions apply to the proposed development. The Sketch Plan shall show approximate locations and dimensions of each stormwater BMP, or other measure. [Amended 6/7/16]

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- a) 10 Points for correcting an existing erosion problem on the project site, as approved by the CEO.

- b) 10 Points for a building footprint less than 1,500 square feet

- c) 10 Points for a clearing limitation of less than 20% of the lot, or 15,000 square feet, whichever is less; or

20 Points for a clearing limitation of less than 15% of the lot, or 10,000 square feet, whichever is less

- d) 15 Points for the installation of rock-lined drip edges or other infiltration system to serve no less than 50% of the new impervious area on the site. Test pit information certified by a Licensed Site Evaluator, or a Professional Engineer must show that three feet of separation exists between the Seasonal High Groundwater Table and the bottom of any proposed infiltration structure. Infiltration systems must be sized to accommodate one inch of runoff from contributing impervious areas within the structure (this will include an assumption of 30% void space in washed stone) and designed in accordance with the details following approved engineering practices and techniques as published by the Maine Department of Environmental Best Management Practices (BMPs): or *[Amended 6/7/16]*

25 Points for the installation of rock-lined drip edges or other infiltration system to serve no less than 75% of the new impervious building area on the site. Test pit information certified by a Licensed Site Evaluator, or a Professional Engineer must show that three feet of separation exists between the Seasonal High Groundwater Table and the bottom of any proposed infiltration structure. Soil filtration or infiltration systems must be sized to accommodate one inch of runoff from contributing impervious areas within the structure (this will include an assumption of 30% void space in washed stone) and designed in accordance with the details following approved engineering practices and techniques as published by the Maine Department of Environmental Best Management Practices (BMP's); or *[Amended 6/7/16]*

- e) 25 Points for the installation of rain gardens soil filtration system, or wetpond design to serve no less than 50% of the total new impervious area on the site. Rain gardens, soil filter, and wetpond systems shall be sized to accommodate one inch of runoff from contributing impervious areas within the six –inch ponding area, and designed in accordance with the details following approved

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engineering practices and techniques as published by the Maine Department of Environmental Best Management Practices (BMP's); or *[Amended 6/7/16]*

40 Points for the installation of rain gardens soil filtration system, or wetpond design to serve no less than 75% of the new impervious area on the site. Rain gardens soil filter, and wetpond systems shall be sized to accommodate one inch of runoff from contributing impervious areas within the six –inch ponding area, and designed in accordance with the details following approved engineering practices and techniques as published by the Maine Department of Environmental Best Management Practices (BMP's). *[Amended 6/7/16]*

- f) 30 Points for a 50 foot wide (no greater than 15% slope) wooded buffer strip, or a 75 foot wide vegetated buffer (no greater than 8% slope) strip located down gradient and adjacent to the developed area, provided there is no channelization within the buffer; or

35 Points for a 75 foot wide (no greater than 15% slope) wooded buffer strip, or a 100 foot wide vegetated buffer (no greater than 15% slope) strip located down gradient and adjacent to the developed area, provided there is no channelization within the buffer; or

40 Points for a 100 foot wide (no greater than 15% slope) wooded buffer strip, or a 150 foot wide vegetated buffer (no greater than 15% slope) strip located down gradient and adjacent to the developed area, provided there is no channelization within the buffer.

2) Point Deductions *[Amended 6/7/16]*

The Reviewing Authority will deduct points based on the following point schedule: *[Amended 6/7/16]*

- a) 5 Points deducted for a new structure footprint exceeding 2000 square feet, and an additional 5 points deducted for each additional 500 square feet of structure footprint.
- b) 5 Points deducted for over 20,000 square feet of disturbance, and an additional 5 points deducted for each additional 5,000 square feet of disturbance.

b. Alternate Means of Calculation

In those cases where the Planning Authority determines that use of the points system is inadequate to achieve the purposes of stormwater and phosphorous

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management control or is otherwise inappropriate because of particular circumstances of the property, the Planning Authority may assess conformance with this standard based on the following: *[Amended 6/7/16]*

- 1) Phosphorus export calculations based on “*Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development*” (latest edition), issued by Maine DEP. Any such design must be certified by a Licensed Professional Engineer.
- 2) A Stormwater Management Plan designed in accordance with Section 4B of the State of Maine Chapter 500 Stormwater Regulations, General Standards (June 6, 2006, and as amended). Any such design must be certified by a Licensed State of Maine Professional Engineer. *[Amended 6/7/16]*
- 3) A licensed State of Maine Professional Engineer certifies that the proposed treatment measure matches or exceeds the performance of the treatment measure under the specific point system allowance. It shall be the engineers responsibility to provide evidence that the measure has been approved by the Maine Department of Environmental Protection or provides other certification into comparable treatment by professional testing results. *[Amended 6/7/16]*

Y. Clearing of Vegetation for Development

In no event shall cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, 25% of the lot area or fifteen thousand (15,000) square feet, whichever is greater, including land previously developed. *[Adopted 3/21/98]*

Z. Accessory Apartments

Accessory Apartments, attached or detached, shall be allowed in a residential zone provided that the existing structure and accessory apartment shall not cover the lot by more than fifteen (15) percent. The Appeals Board may grant an additional five (5) percent. If the total number of bedrooms or potential bedrooms exceeds by more than one (1) the number of bedrooms the septic system is designed for, a replacement or expanded system shall be designed and installed before occupancy. The accessory apartment shall not comprise more than 700 s.f. of living space, excluding stairways. Not more than one (1) accessory apartment shall be permitted per parcel. *[Adopted 06/03/15]*

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ARTICLE 10 - SITE PLAN REVIEW

ARTICLE 10 - SITE PLAN REVIEW

A. Purpose

1. The purpose of Site Plan Review is to ensure that the design and layout of commercial, retail, industrial or institutional uses or multi-family residential development will constitute suitable development and will not result in a detriment to the Town of Raymond or to the environment.
2. The purpose and objectives of site development requirements and the site design review procedure for uses other than single-family and duplex dwellings are to:
 - a. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of the development;
 - b. Discourage monotonous, drab, unsightly, dreary and inharmonious developments;
 - c. Conserve the Town's natural beauty and visual character and charm by insuring that structures, signs, and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic quality of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs, and other improvements;
 - d. Protect and enhance the Town's appeal to its residents and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial, and industrial properties;
 - e. Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues;
 - f. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services;
 - g. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change, and improvement;
 - h. Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the Town's favorable environment; and, thus, to promote and protect the health, welfare, and safety of the Town.

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B. Authority and Classification of Site Plans [Amended 06/02/09]

1. Except for single-family dwellings, duplex dwellings, accessory uses to single-family or duplex dwellings, maintenance of an existing building or facility, or interior renovations to an existing building or facility which do not change the use(s) or increase the amount of parking required under Article 9, Section C, no building permit shall be issued for a new building, a new facility, an exterior renovation to an existing building or facility, any alteration to or addition of impervious areas, or any substantial change to the use of an existing building or facility until the plans, drawings, sketches, and other documents required under this section have been reviewed and approved in accordance with the Site Plan Review provisions set out in this section below.
2. Site Plan Reviews shall be classified by the Town Planner as follows:
 - a. **Staff Review.** A site plan application shall be classified as a **Staff Site Plan Review** so long as, in any two year period: *[Amended 06/03/2014]*
 - 1) any new building or any additions to existing buildings proposed by the application are more than 500 square feet but do not exceed 2,400 square feet of new Gross Floor Area, and
 - 2) any exterior building renovation proposed by the application do not exceed 2,400 square feet of building surface area, and
 - 3) any additional or altered impervious surface proposed by the application does not exceed, separately or in combination, 10,000 square feet.
 - 4) the proposed development project includes the development of back lots and/or construction of back lot driveways under Article 9 – Minimum Standards, Section T. *[Adopted 07/06/2017]*
 - b. **Minor Review.** A site plan application which exceeds the thresholds for Staff Site Plan Review shall be classified as a **Minor Site Plan Review** so long as, in any period:
 - 1) any new building or any additions to existing buildings proposed by the application do not exceed 4,800 square feet of new Gross Floor Area, and
 - 2) any exterior building renovation proposed by the application do not exceed 4,800 square feet of building surface area, and
 - 3) any additional or altered impervious surface proposed by the application does not exceed, separately or in combination, 20,000 square feet.
 - 4) the proposed development project includes new construction, or alteration to, or the extension of, a private or public street which does not warrant review under Town of Raymond Subdivision Regulations. *[Adopted 07/06/2017]*

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- c. **Major Review.** All other projects subject to Site Plan review shall be classified as a **Major Site Plan Review**.
- 3. Site Plan Amendments and Revisions shall be classified by the Town Planner as follows *[Adopted 06/03/2015]*:
 - a. **Di Minimus Revisions** which include minor field revisions to an existing site plan that are handled by the Code Enforcement Officer and have little to no effect on the project. No public or abutter notices are required, and a Di minimus review may include up to three (3) different entities or separate revisions under one (1) review.
 - b. **Staff Review Revisions** include site plan revisions such moving parking spaces, modifying a building orientation, revising landscaping or buffers, or essentially any modification that keeps the area equal or less for structural revisions, or that maintain the minimal intent of other site plan requirements but may modify revise or alter the location or orientation such that no waiver of a site plan requirement is necessary. No abutter notices are required.
 - c. **Minor Site Plan Revisions** those that keep the accumulated improvements to an existing site plan for new additions or buildings or site surface changes to that which is at or below the Minor Site Plan review over any 5 year period, or plan revisions that alter the intensity of use, or alter impacts to the site such that Staff feels that any one of the Site Plan requirements has been substantially altered from that which was originally approved.
 - d. **Major Site Plan Amendments** are those which will trip the Minor plan site plan review thresholds to a major site plan review over any 5 year period.
- 4. The applicant may reclassify an application from a staff site plan review to a minor site plan review, and may request a hearing by the Planning Board, even if the amount of area proposed to be developed or renovated is under the threshold that would trigger Planning Board review, and even if staff has been in the process of reviewing the application. However, in order to do so, the applicant shall provide all submission materials required for a minor site plan review as set out in section C.3.b below.
- 5. The staff may require that any Site Plan application be reviewed by the Planning Board as a minor site plan review, even if the amount of area proposed to be developed or renovated is under the threshold that would trigger Planning Board review, if the staff review process is unable to adequately resolve all relevant issues raised by the site plan review process.
- 6. The Planning Board may, by majority vote, reclassify a minor site plan item on the agenda to a major site plan if the Board determines that there is credible conflicting technical information regarding the approval criteria, that the subject

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matter of the application is of significant public interest or that the application has generated a high level of interest in the immediate vicinity of the site.

7. Construction, site development, and landscaping shall be carried out in substantial accord with the plans, drawings, sketches, and other documents approved by the Board, unless altered with Board approval. Nothing in this Subsection shall be construed to prevent ordinary repair, maintenance, and replacement of any part of the building or landscaping which does not involve a substantial change from the purpose and objectives of this Ordinance.

C. Administration [Amended 06/02/09]

1. The following procedure and requirements shall apply to all applications for site plan review:
 - a. Pre-application staff meeting required in the Commercial District.
All applicants intending to file a site plan review application for property located in the Commercial district shall, prior to filing an application, meet with town planning and code staff (or any other staff deemed to be necessary by the town for providing input on a proposal) to informally discuss the proposed project, the town's design guidelines, and site plan review criteria. The purpose of the meeting shall be to exchange information, to seek to identify issues in advance of detailed project design, and to discuss potential alternatives.
 - b. Planning Board pre-application meeting – optional.
Prior to formal application, an applicant may request an informal review of the site plan by the Planning Board to discuss the proposed project and the site plan review criteria, to determine its compliance with Town regulations, and to identify significant issues which will require additional analysis. This option is available to all applicants regardless of the classification of the Site Plan as described above. Such a request shall be in writing and submitted at least twenty--six (26) days prior to the first Planning Board meeting of the month during which the applicant wishes to be heard.
 - c. Applications. [Amended 06/03/2014]
All applications for Site Plan Review shall be made in writing to the Code Enforcement Officer on the forms provided for this purpose. The application shall be made by the owner of the property or by his agent, as designated in writing by the owner. The application for Site Plan Review shall be accompanied by the following fees:
 - (1) Application fees as established by the Board of Selectmen and listed in the Town Fee Schedule.

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- (2) Escrow fees as established by the Board of Selectmen and listed in the Town Fee Schedule. The fees shall be submitted and deposited in an escrow account established by the Town, which monies may be used by the Town to pay for professional legal and technical reviews and advice related to the developer's application, as well as post-approval inspections, consultations and reviews of modifications, as deemed necessary by the Town for Minor and Major Site Plan applications. Said fees for professional reviews and advice shall include, but shall not be limited to engineering or other professional consulting fees, attorney fees, recording fees and appraisal fees.

The total escrow fees required shall be an amount estimated by the consultants and the Town as sufficient to pay for the professional review of the application. If the Town expends more than fifty percent (50%) of the escrow account prior to completing its review, the developer shall replenish the escrow account to an amount estimated by the consultants as sufficient to complete the review. Those monies deposited by the developer and not spent by the Town in the course of its review shall be returned to the developer within sixty (60) days after a certificate of occupancy is issued for the project. The Town may, in its sole discretion, release the remaining escrow fees prior to the issuance of the certificate of occupancy if it determines that all professional reviews have been completed.

Fifteen (15) copies of the completed application for Site Plan Review, together with the documentation required in these regulations shall be submitted at least twenty-six (26) days prior to the first Planning Board meeting of the month during which the applicant wishes to be heard. However, any application, which is not complete, shall be returned to the applicant with an indication of the additional information required.

d. Design Guidelines.

The Town of Raymond Design Guidelines ("Design Guidelines") shall be reviewed and considered by all applicants proposing a site plan project located anywhere in the Commercial District. The Design Guidelines shall be considered by the Planning Board and the Staff when evaluating any site plan project located anywhere in the Commercial District.

The Design Guidelines are not ordinance requirements but are intended to assist applicants in designing projects which will comply with the ordinance requirements. Relevant portions of the Design Guidelines shall be considered, along with other relevant materials, by the Planning Board and the Staff, as guidance in determining whether an application meets the site plan Criteria

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and Standards in section E and the site plan Performance Standards of section F.

e. Peer review process *[Amended 06/03/2014]*

The Town may require a third party peer review for site plan applications as set forth in sections C.2, C.3 and C.4 below. A peer review is the review of an application by a third party expert consultant(s), other than the Town's Contract Planner and a report by the consultant(s) as to compliance or noncompliance with this Ordinance, including adherence to Design Guidelines, and advice by the consultant(s) of regarding procedures or submissions which could result in compliance. The consultants shall be fully qualified to provide the required information.

The consultant(s) shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost which the Town shall place in the project escrow account referenced in Section 1(c)(2) above. The consultants shall be fully qualified to provide the required information.

f. Timely action.

Within one hundred (100) days of the receipt of a completed application, the reviewing authority shall act to approve or disapprove the Site Plan as submitted or amended.

g. Public hearings and notification.

Prior to taking final action on any Site Plan Review application, the Planning Board will hold a hearing to afford the public the opportunity to comment on the application. Notice of the date, time, and place of such hearing shall be published in a newspaper of local circulation at least seven (7) days prior to the hearing. Further notice shall be sent by mail to property owners abutting the proposed project at least seven (7) days prior to the hearing.

Site Plan applications that are classified as a Staff Site Plan Review, shall not be required to receive a public hearing unless the application is heard and decided by the Planning Board. However, the Town shall give notification of the nature of applications that are classified as a Staff Site Plan Review, and the time and manner in which to review or comment on the application, by mail to the owners of all abutting property within fourteen (14) days of the date upon which the application is received and at least seven (7) days in advance of any final action on the application.

h. Approval part of Building Permit applications.

One copy of the approved site plan shall be included in the application for a building permit.

i. Communication with Historic Preservation Commission.

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An owner or his authorized agent shall submit information on the location of the development to the State Historic Preservation Officer (Maine Historic Preservation Commission, 55 Capitol Street, State House Station 55, Augusta, Maine 04333) with a request that the reviewing authority be notified of any comments. The applicant shall submit to the reviewing authority proof of such notification, including a copy of the letter to the State Historic Preservation Officer.

j. **Expiration of approval.**

Site Plan and Subdivision Plan approvals shall expire and be void if the construction activity associated with the approval is not commenced within two (2) years, and completed within four (4) years after the date of the site plan or subdivision plan approval unless the reviewing authority, at the time of approval, establishes a different completion schedule, but in no case shall the initial approval period exceed five (5) years to commence and complete. A property owner/developer or their agent may request an extension of the period to commence and/or complete construction by submitting a request to the reviewing authority that issued the site plan or subdivision plan approval prior to the expiration of the initial term of approval. The reviewing authority may grant a one-time extension of up to two years to commence and/or complete construction. If construction is not commenced or completed within the approval time frame, the applicant must reapply for, and receive approval prior to beginning or continuing construction.

Projects approved as Phased Developments shall only be approved by the Planning Board, and the above expiration of approval terms shall apply to any one phase of construction activity.

For the purposes of this Section, this section, "commencement of construction" shall be defined to include, but not be limited to, any land/site or vegetation clearing, site disturbance, stockpiling or excavation of soil on the site property, or building expansion or alterations in accordance with the approved plans. The determination of whether construction has commenced shall be in the sole discretion of the Code Enforcement Officer. *[Amended 07/06/2017]*

2. The following procedure and requirements shall apply to **Staff Site Plan**

Review: *[Amended 06/03/2014]*

a. **Review process.**

Staff Site Plan Review shall be conducted at a meeting attended by the Town's Contract Planner and the Codes Enforcement Officer (the "staff reviewers"), or their designee. The staff reviewers may seek input from other Town departments including the Fire Department and the Public Works Department as needed. For applications classified as Staff Site Plan Review developments, the staff reviewers shall have the same powers and duties as the Planning Board. Completed and timely submitted applications classified as Staff Site

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Plan Review developments shall be reviewed and acted on by the next regularly scheduled Plan Review meeting following the submission deadline.

The staff reviewers shall approve, approve with conditions, or deny the application based on criteria in Article 10 of the Land Use Ordinance. In the event that the Town's Contract Planner and the Codes Enforcement Officer are unable to jointly make a determination on the application, the Code Enforcement Officer shall, after receiving and considering the recommendations of the Town Planner, have the authority to approve, approve with conditions, or deny the application based on criteria in Article 10 of the Land Use Ordinance. Any appeals from the decisions of the Staff Site Plan Review shall be taken directly to the Planning Board within 30 days of decision.

b. Submission requirements.

Applications classified as Staff Site Plan Review developments shall be required to submit application materials in accordance with the requirements in section D below except as follows. The following items listed in Section D.1 shall not be required unless the staff reviewers deem any of those items reasonable and necessary to insure that the requirements of the Ordinance are met and the staff reviewers specifically request those items:

- (b.) Narrative descriptions explaining how the submissions and the proposed plans meet all submission requirements and ordinance provisions that pertain to the applicant's project.
- (c. 6.) A surveyed topographic map of the site showing existing and proposed contours at no more than two (2) foot intervals;
- (c.7.) Location of watercourses, wetlands, marshes, surface water, rock outcroppings, wooded areas, single trees;
- (c.9.) Locations of water mains, sewer mains, wells, fire hydrants, culverts, drains, pipe sizes, grades and direction of flow;
- (c.10.) Existing soil conditions and soil suitability test results for septic waste disposal;
- (c.12.) Proposed traffic circulation and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours;
- (c.14.) A stormwater management plan;
- (c.17.) Existing and proposed planting, fences and walks, including all landscaping and screening;

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- (c.23.) Description and plan of a "phase development concept" detailing the areas and sequence of phasing;
- (c.25.) Information on the amount and types of waste to be generated or materials to be stored, used, transported, or applied and the precautions, safeguards or methods that will be used to minimize the potential for groundwater contamination;
- (c.26.) Location of existing trails used for hiking, walking, bicycling, snowmobiling, and horseback riding, as well as any portion of any Town-designated greenbelt, which occurs on the property.

The staff reviewers may require the applicant to submit additional studies or reports which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The costs of all such studies or reports shall be borne by the applicant.

c. Review criteria

For applications classified as Staff Site Plan Review developments, only the portions of the lot or lots being proposed for development, or portions of any lot or lots under the common ownership or control of the applicant which will, or is likely to, experience a substantial change of use in conjunction with the proposed development, shall be required to meet the site plan Criteria and Standards in section E and the site plan Performance Standards of section F.

For purposes of this subsection, "substantial change of use" shall mean a change in the use of the site that is likely to result in a substantial alteration of the existing traffic or parking patterns, timing, or intensity from the current use of the site, or which would result in a change in the amount or timing of activity on the site that might affect, noise, lighting, waste disposal, delivery times, water usage, or sewage disposal, or an increase in the amount of parking required under Article 9, Section C.

d. Planning Board pre-application meeting.

Prior to formal application for Staff Site Plan Review, an applicant may participate in an informal pre-application meeting with the Planning Board as set out in section C.1.b above.

In the event that issues arise in the course of the Staff Site Plan Review process that have not been resolved after consideration at two regularly scheduled Plan Review meetings, the staff reviewers may recommend an informal meeting with the Planning Board to discuss the proposed project, the unresolved issues, and the site plan review criteria to determine the application's compliance with Town regulations and to attempt to resolve the issues. The applicant may accept this recommendation in which case the applicant shall

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make a request in writing and submitted at least twenty-six (26) days prior to the first Planning Board meeting of the month during which the applicant wishes to be heard.

If the applicant does not accept this recommendation, the staff reviewers may make the recommendation to the Planning Board at its next regular meeting. If the Planning Board accepts the recommendation to conduct an informal meeting with the applicant, then the applicant shall make a request in writing and submitted at least twenty-six (26) days prior to the first Planning Board meeting of the month during which the applicant wishes to be heard.

e. Peer review.

Peer review process is not required for applications classified as Staff Site Plan Review developments but the staff reviewers may require a third party peer review of any aspect of the site plan review if the staff review process is unable to adequately resolve relevant site plan review issues and the staff determines that a peer review may resolve those issues.

3. The following procedure and requirements shall apply to **Minor Site Plan Review**: *[Amended 06/03/2014]*

a. Review process.

Applications classified as Minor Site Plan Review developments shall be reviewed by the Planning Board. Completed and timely submitted applications classified as Minor Site Plan Review developments shall be reviewed and acted on at the next regularly scheduled Planning Board meeting following the submission deadline.

b. Submission requirements.

Applications classified as Minor Site Plan Review developments shall be required to submit application materials in accordance with the requirements in section D below except as follows. The following items shall not be required unless the Planning Board deem any of those items reasonable and necessary to insure that the requirements of the Ordinance are met and the Planning Board specifically request those items:

- (c. 6.) A surveyed topographic map of the site showing existing and proposed contours at no more than two (2) foot intervals;
- (c.12.) Proposed traffic circulation and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours;
- (c.14.) A stormwater management plan;

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- (c.26.) Location of existing trails used for hiking, walking, bicycling, snowmobiling, and horseback riding, as well as any portion of any Town-designated greenbelt, which occurs on the property.

The Planning Board may require the applicant to submit additional studies or reports which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The costs of all such studies or reports shall be borne by the applicant.

c. Review criteria.

For applications classified as Minor Site Plan Review developments, only the portions of the lot or lots being proposed for development, or portions of any lot or lots under the common ownership or control of the applicant which will, or is likely to, experience a substantial change of use in conjunction with the proposed development, shall be required to meet the site plan Criteria and Standards in section E and the site plan Performance Standards of section F.

For purposes of this subsection, “substantial change of use” shall mean a change in the use of the site that is likely to result in a substantial alteration of the existing traffic or parking patterns, timing, or intensity from the current use of the site, or which would result in a change in the amount or timing of activity on the site that might affect, noise, lighting, waste disposal, delivery times, water usage, or sewage disposal, or an increase in the amount of parking required under Article 9, Section C.

d. Planning Board pre-application meeting.

Prior to formal application for Minor Site Plan Review, an applicant may participate in an informal pre-application meeting with the Planning Board as set out in section C.1.b above.

e. Peer review

Peer review process is not required for applications classified as Minor Site Plan Review developments but the Planning Board may require a third party peer review if in the Planning Board’s judgment the project is sufficiently complex that it requires the expertise of a peer reviewer to evaluate the proposed site plan, including but not limited to stormwater management, traffic management, architecture, lighting or landscaping. The Planning Board may also require a third party peer review if in the Planning Board’s judgment there is credible conflicting technical information regarding approval criteria which peer review may assist the Planning Board to resolve.

4. The following procedure and requirements shall apply to **Major Site Plan Review**: *[Amended 06/03/2014]*

a. Review process

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Applications classified as Major Site Plan Review developments shall be reviewed by the Planning Board. Completed and timely submitted applications classified as Major Site Plan Review developments shall be reviewed and acted on at the next regularly scheduled Planning Board meeting following the submission deadline.

b. Submission requirements.

All submission required in Section D below shall be required unless specifically waived by the Planning Board.

The Planning Board may require the applicant to submit additional studies or reports which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The costs of all such studies or reports shall be borne by the applicant.

c. Review criteria.

For applications classified as Major Site Plan Review developments, the entire lot or lots being proposed for development, or any lot or lots under the common ownership or control of the applicant which will, or is likely to, experience a substantial change of use in conjunction with the proposed development, shall be required to meet the site plan Criteria and Standards in section E and the site plan Performance Standards of section F.

For purposes of this subsection, “substantial change of use” shall mean a change in the use of the site that is likely to result in a substantial alteration of the existing traffic or parking patterns, timing, or intensity from the current use of the site, or which would result in a change in the amount or timing of activity on the site that might affect, noise, lighting, waste disposal, delivery times, water usage, or sewage disposal.

d. Planning Board pre-application meeting.

Prior to formal application for major review, an applicant shall participate in an informal pre-application meeting with the Planning Board to discuss the proposed project and the site plan review criteria, to determine its compliance with Town regulations, and to identify significant issues which will require additional analysis. The applicant shall make a request in writing and submitted at least twenty-six (26) days prior to the first Planning Board meeting of the month during which the applicant wishes to be heard.

e. Peer review.

Peer review process is not required for applications classified as Major Site Plan Review developments, but the Planning Board may require a third party peer review if in the Planning Board’s judgment the project is sufficiently complex that it requires the expertise of a peer reviewer to evaluate the proposed site plan, including but not limited to stormwater management, traffic management, architecture, lighting or landscaping. The Planning Board

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may also require a third party peer review if in the Planning Board's judgment there is credible conflicting technical information regarding approval criteria which peer review may assist the Planning Board to resolve.

Peer review process for applications classified as Major Site Plan Review shall evaluate the proposed site planning (including but not limited to stormwater management and traffic management), architecture, lighting and landscaping proposed in the application unless any aspect of the required peer review is waived. Town staff shall begin the peer review process with the receipt of the application.

5. *[Deleted 06/03/2014]*

6. Performance Guarantees.

- a. The developer shall, in an amount set by the Town Manager, file with the Town, prior to the issuance of Final Approval, a performance guarantee in the form of a certified check payable to the Town of Raymond, a performance bond running to the Town of Raymond, an irrevocable letter of credit to cover the full cost of required improvements or some other form of surety that is acceptable to the Town Manager. For the purposes of this section, required improvement shall mean all public and private roads, all drainage structures and ditches, all erosion control measures, all utilities, all landscaping and all recreation facilities. Any such bond shall be satisfactory to the Town Manager and the municipal attorney as to form, sufficiency, manner of execution and surety.
- b. At the discretion of the Town Manager, the developer may be allowed to submit individual bonds for each phase of a project's development. If this option is chosen, prior to submission of each individual bond, the developer shall submit to the Town a written statement detailing completion dates for all roads and other public improvements planned for that phase.
- c. A period of one (1) year (or such period as the Town Manager may determine appropriate, not to exceed three (3) years) shall be set forth in the bond time within which required improvements must be completed.
- d. Inspection of Required Improvements:
 - 1) At least fifteen (15) days prior to commencing construction of required improvements, the developer shall notify in writing the Code Enforcement Officer of the time when the developer proposes to commence construction of such improvements so that the Town Manager can cause inspection to be made to assure that all specifications and requirements shall be met during the construction of required

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improvements, and to assure the satisfactory completion of improvements and utilities required by the Board. Inspection shall be made of all required public improvements as defined above;

- 2) At least five (5) days prior to commencing construction of required improvements, the developer shall pay an inspection fee equal to the estimated cost of inspection by an engineer appointed by the Town, payable by check to the Town of Raymond, stating the purpose of the fee. No building permits shall be issued on the project and no work begun until the inspection fee has been paid;
 - 3) If the inspector shall find, upon inspection of the improvement performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the developer, the inspector shall so report to the Town Manager, Road Commissioner and Building Inspector. The Town Manager shall then notify the developer and, if necessary, the bonding company or bank, and take all necessary steps to preserve the municipality's rights under the bond or letter of credit. No plan shall be approved by the Board as long as the developer is in default on a previously approved Plan;
 - 4) If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the inspector that unforeseen conditions make it necessary or preferable to modify the location or design of any required improvement, the inspector may, upon approval of the Town Manager, authorize modifications, provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The inspector shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board;
 - 5) Upon completion and final inspection of all required improvements, any funds remaining in a project's inspection fee account, after all inspection fees have been paid, shall be returned to the subdivider;
 - 6) The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.
- e. The performance guarantee shall not be released by the Town Manager until:
- 1) The inspecting engineer has completed a final inspection of the project and has submitted a written report stating that all required public

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improvements as defined above have been completed in accordance with approved plans and specifications;

- 2) The Town Manager and Code Enforcement Officer have examined the site, have reviewed the inspecting engineer's report and concur with the inspecting engineer's findings.
- 3) Performance guarantees collected on phased work segments shall be released in the same manner as outlined above, upon the completion of each phase.

D. Submission Requirements

1. When the owner of the property or the owner's authorized agent makes formal application for Site Plan Review, the application shall contain at least the following exhibits and information except to the extent any of these submission requirements are modified by the provisions of Section C.2.b pertaining to Staff Site Plan Review and Section C.3.b pertaining to Minor Site Plan Review above:
[Amended 06/02/09]

- a. A fully executed and signed application for Site Plan Review;
- b. A narrative description explaining how the submissions and the proposed plans meet all submission requirements and ordinance provisions that pertain to the applicant's project. *[Adopted 06/02/09]*

For any project located in the Commercial District, the applicant shall also submit a narrative which explains how the submissions and the proposed plans comport with the Raymond Design Guidelines, and where the submissions and the proposed plans do not comport with the Raymond Design Guidelines, the reasons why the applicant is proposing an alternative design. *[Adopted 06/02/09]*

- c. Fifteen (15) copies of a Site Plan, to include eight (8) full sized scaled copies, seven (7) half size/scaled copies or reduced plans to fit on an 11' x 17' sheet, and an electronic file in both PDF and GIS formats, drawn at a scale of not more than fifty (50) feet to the inch for that portion of the total tract of land subject to site plan review, and showing the following: *[Amended 06/03/15 and 06/06/17]*
 - 1) Name of owner and developer; and interest of the applicant if other than the owner or developer;
 - 2) Name of development, scale and meridian arrow, with specific definition of representation, date of plan and legend;

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- 3) Names and addresses of all owners of record of all adjacent property as they appear on Assessor's records;
- 4) Current zoning boundaries and one hundred (100) year flood plain boundaries including surrounding areas to a distance of three hundred (300) feet from the perimeter of the site;
- 5) Easements; rights-of-way, existing, planned or proposed; or other reservations adjacent to or intersecting the property;
- 6) A surveyed topographic map of the site showing existing and proposed contours at no more than two (2) foot intervals; *[Amended 3/ 20/99]*
- 7) Location of watercourses, wetlands, marshes, surface water, rock outcroppings, wooded areas, single trees with a diameter of ten (10) inches measured three (3) feet from the base of the trunk;
- 8) Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of one hundred (100) feet from the property line, indicating whether existing buildings on the tract are to be retained, modified or removed;
- 9) Locations of water mains, sewer mains, wells, fire hydrants, culverts, drains, pipe sizes, grades and direction of flow, existing within two hundred (200) feet of the subject property;
- 10) Existing soil conditions and soil suitability test results for septic waste disposal. The Planning Board also may require submission of a high intensity soils map;
- 11) Locations of proposed buildings and uses thereof;
- 12) Proposed traffic circulation system including streets, parking lots, driveways and other access and egress facilities, curb lines, sidewalk lines, and existing streets, including the projected traffic flow patterns into and upon the site for both vehicles and pedestrians and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours;
- 13) Location of existing and proposed public utility lines indicating whether proposed lines will be placed underground;
- 14) A stormwater management plan, prepared by a registered professional engineer, shall be designed so that the post-development stormwater runoff does not exceed the pre-development stormwater runoff for the 24-hour duration, 2-, 10-, and 25-year frequency storm events. The

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stormwater plan shall be prepared in accordance with “*Stormwater Management for Maine: Volume III BMP’s Technical Design Manual*”, latest edition, prepared by the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part thereof. The stormwater plan shall include the following information for the pre- and post-development conditions: drainage area boundaries, hydrologic soils groups, ground cover type, time of concentration flow paths, modeling methodology, calculations, and background data. The Board may require review and endorsement of the stormwater plan and calculations by the Cumberland County Soil and Water Conservation District or some other third party qualified to conduct such review, the cost of which shall be borne by the Applicant. *[Amended 12/2/08]*

Projects subject to Site Plan Review shall include the following: *[Adopted 12/02/08]*

- a) Phosphorus export calculations based on the “MAINE STORMWATER MANAGEMENT DESIGN MANUAL, Phosphorus Control Manual Volume II” (as published MARCH 2016 and as amended), issued by Maine DEP. or,
- b) Any project which requires a Stormwater Permit from the State of Maine DEP shall submit A Stormwater Management Plan designed in accordance with Section 4 of the State of Maine Chapter 500 Stormwater Regulations, Stormwater Standards (June 6, 2006, and as amended). *[Adopted 12/02/08]*

For Site Plan Review applications reviewed by staff, the Stormwater Management Plan must demonstrate conformance with the Stormwater Quality and Phosphorus Control provisions (point system) described in Article 9, Section X of this ordinance. *[Adopted 06/06/17]*

All Site Plan Review of back lots and back lot driveways shall ensure compliance with the minimum standards for stormwater runoff design and quality control in accordance with Article 9 – Minimum Standards, Section T Back Lots and Back Lot Driveways, 11, d, v and vi. *[Adopted 06/06/17]*

- 15) Location and design of proposed off-street parking and loading areas indicating number and size of stalls;
- 16) Proposed location and direction of, and time of use of outdoor lighting;
- 17) Existing and proposed planting, fences and walks, including all landscaping and screening, and indicating existing trees to be retained and areas to be left undisturbed including design features intended to

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integrate the proposed new development into the existing landscape to enhance aesthetic assets and to screen objectionable features from neighbors;

- 18) Location, size, design, and manner of illumination of signs;
- 19) Disposal of sewage, trash, solid waste, oily waste, hazardous waste or radioactive waste showing disposal facilities, receptacles or areas;
- 20) Perimeter boundaries of the site giving complete descriptive lot data by bearings, distances, and radii of curves including the name and seal of the registered land surveyor who prepared the plan;
- 21) Description and plan of capacity and location of means of sewage disposal and evidence of soil suitability for such disposal (test pit locations shall be shown on the plans) approved by a registered engineer or soils scientist;
- 22) A statement of the amount of area of land involved in the site, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed, the number of dwelling units proposed per acre, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space and sidewalks, the total number of parking spaces required by this Article 10, Section F.1 for the uses proposed, the number of employees expected per shift, and the total floor area of proposed commercial or industrial uses;
- 23) Description and plan of a "phase development concept" detailing the areas and sequence of phasing;
- 24) A notarized statement by the developer explaining how the developer intends to comply with the performance guarantee requirement of Article 10, Section C.3.a; *[Amended 3/20/99]*
- 25) When a proposed use is over a State-designated sand and gravel aquifer, information on the amount and types of waste to be generated or materials to be stored, used, transported, or applied on an annual basis, and the precautions, safeguards or methods that will be used to minimize the potential for groundwater contamination;
- 26) Location of existing trails used for hiking, walking, bicycling, snowmobiling, and horseback riding, as well as any portion of any Town-designated greenbelt, which occurs on the property.
- 27) An erosion and sedimentation control plan shall be prepared in accordance with the "*Maine Erosion and Sediment Control: Best*

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Management Practices", latest revision, prepared by the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part thereof. The plan shall be prepared either by a professional civil engineer or by a Certified Professional in Erosion and Sediment Control (CPESC). At a minimum, the following items shall be discussed and provided: *[Amended 12/2/08]*

- a) The name, address, and telephone number of the applicant.
- b) The name, address, and telephone number of the person responsible for implementing the plan.
- c) A vicinity map showing the location of water bodies that may be affected by erosion and sedimentation from the project.
- d) Existing and proposed drainage patterns, including drainage channels that drain to surrounding water bodies.
- e) A sequence of work that outlines how the project will be constructed and specifically addressing how soil disturbance will be minimized during the construction process.
- f) Clear definition of the limits of work and any buffer areas that will remain undisturbed and an indication of how these areas will be protected during construction.
- g) Description of temporary and permanent erosion control practices that will be used.
- h) Identification of the locations of the temporary and permanent erosion control practices.
- i) Identification of how, where and when collected sediment will be disposed.
- j) Dust control measures.
- k) Inspection and maintenance procedures, including schedule and frequency.
- l) Description of when and how temporary and permanent erosion and sedimentation control practices, as applicable, will be removed.

The Board may require the review and endorsement of this plan by the Cumberland County Soil and Water Conservation District at the applicant's expense.

2. Upon request, the Planning Board may waive the necessity of providing any of the foregoing planning information that is not relevant to the proposed development.

E. Criteria and Standards

1. The following criteria and standards shall be utilized by the Planning Board in reviewing applications for Site Plan Review. These standards are intended to provide a guide for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as

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inflexible requirements. They are not intended to discourage creativity, invention, and innovation.

a. **Preservation of Landscape.**

The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.

If a site includes a ridge or ridges which are elevated above the surrounding areas and provide scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Buildings shall be located so that they are not clearly visible from surrounding areas. Siting away from the skyline, plantings, and buffering landscaping are potential methods of preserving the scenic vista.

The Planning Board shall consider the comments of the State Historic Preservation Officer, if any, and may require that significant archaeological sites be preserved to the maximum extent possible both during construction and following completion of the development.

b. **Relation of Proposed Buildings to the Environment.**

Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. Special attention shall be paid to the scale of the proposed building(s), massing of the structure(s), and such natural features as slope, orientation, soil type, and drainage courses.

c. **Vehicular Access.**

The proposed layout shall ensure that vehicular and pedestrian traffic conditions shall not exceed reasonable limits for the neighborhood. Special consideration shall be given to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts.

d. **Parking and Circulation.**

The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall consider general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and the arrangement and use of parking areas. These facilities shall be safe and convenient and, insofar as practicable, shall not detract from the proposed buildings and neighboring properties.

e. **Surface Water Drainage**

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Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. Adequate treatment shall be provided to mitigate potential impacts to receiving wetlands and water bodies from pollutants, excess nutrients and elevated temperatures in stormwater runoff from developed areas. *[Amended 12/2/08]*

f. Utilities.

The site plan shall show what provisions are being proposed for water supply and wastewater disposal. Electric, telephone, and other utility lines shall be installed underground.

g. Special Features.

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

h. Exterior Lighting.

All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.

i. Emergency Vehicle Access.

Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

j. Landscaping.

Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right-of-way and abutting properties to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas.

k. The standards and regulations set forth in Article 9 of the Land Use Ordinance shall be adhered to where applicable.

F. Performance Standards

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The following performance standards shall apply to all site plans, provided, however, where the Planning Board finds that, due to special circumstances of a particular plan, the provision of certain required performance standards which are not requisite in the interest of public health, safety and general welfare, the Planning Board may waive such requirements, subject to appropriate conditions.

1. **Parking Area Design Standards.**

- a. **Access** - There shall be adequate provisions for ingress and egress to all parking spaces. The width of access drives or driveways shall be determined as part of Site Plan Review, depending on use, topography and similar consideration. They shall meet the requirements of this Article.
- b. **Size of Aisles** - The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements set forth below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety (90) degrees.

Parking Angle (degrees)	Aisle Width (feet)
0 parallel parking	12
30	12
45	14
60	18
90 (perpendicular parking)	24

- c. **Off-Street Parking** - Off-street parking requirements shall conform to Article 9, Section C.
- d. **Parking Lot/Pavement setbacks.** Each parking lot shall be designed to provide adequate pavement setbacks from Public and Private Streets as well as abutting property owners. Parking lots with total parking spaces under 25 spaces may have pavement setbacks reduced by 50% with a waiver request from the Planning Board. Below are the minimum pavement setbacks for the various zoning districts.

For Rural and Rural Residential Districts-Minimum Pavement setbacks are:

20 Feet for Front and Side Yard
25 Feet for Rear Yard

For Village Residential, Commercial, and Industrial Districts-Minimum pavement Setbacks are:

10 Feet for Front Yard

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25 Feet for Rear Yard
15 Feet for Side Yard*

* Side Yard may be reduced to 5 Feet if the Parking Areas are planned on both sides of the common side property line.

Parking lots within the Village Residential and Commercial Districts may have the pavement setback reduced completely for the front yard with a waiver request and compensation of landscaping. *[Adopted 06/03/14]*

- e. Each parking lot shall incorporate vegetated buffer(s) (landscaped or natural) into the parking lot design. No setbacks are required around a parking edge, if the parking is adjacent to the principle or accessory building or active/recreative area associated with the land use. Minimum naturally vegetated (no cut) buffers are necessary from external property lines and shall be as follows:

For Rural and Rural Residential Districts:

20 feet for rear yards
15 feet for front and side yards

For Village Residential, Commercial, and Industrial Districts:

20 feet for rear yards
10 feet for front yards, side yards*

*If Side yard abuts against a common property line with an adjoining parking lot, then no formal buffer is required as long as the area/strip between the two parking lots clearly prohibits vehicle access other than at designated cross driveways, aisles, or other controlled access locations.

Planted landscape areas/buffers may be placed in lieu of a natural vegetated buffers but must contain species a minimum of ~~6~~3.5 feet tall for 50% of the buffer area within the front yard and 6.0 feet tall for 50% or the rear yard setback. Landscape buffers shall be the responsibility of, and maintained by the owner or applicant, and must be delineated on the approved site plan. Parking lots with total parking spaces under 25 spaces may have buffer and landscape requirements reduced by 50%.

Parking lots in the Village Residential and Commercial District requesting reduction in the front yard setback must provide at least 50% of the difference between standard front yard buffer area and the front yard buffer area proposed by providing internal landscaping. Internal landscaping shall be implemented through the use of green space areas or plantings, such as but not limited to islands, grass areas/ strips, planting beds or decorative planters. Landscaped areas maintained by the applicant, within the street rights of way along the lot's street frontage may be considered as landscape

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compensation with permission from the Town, or State of Maine Department of Transportation. *[Adopted 06/03/14]*

- f. Parking Areas associated with building development greater than 5,000 SF total new structure or greater than 50% expansion an existing building footprint, from the time of this ordinances adoption shall be designed to incorporate internal landscape areas, islands or strips , within the internal parking lot. The total area of parking islands or “internal green spaces” shall be no less than 5% of the impervious coverage for the portion of Parking Area necessary for the new building or addition. No less than 100 SF shall be contained in any one internal landscape area. For building additions meeting the requirements above, where existing parking areas must be expanded to meet parking need, the internal landscaped areas required for the portion of new Parking Area may meet this requirement by adding, or converting existing impervious areas to, new islands or green spaces within the existing parking areas. Access drives from the primary street entrance(s) to the parking lot will not be considered in this equation. The use of porous concrete, bituminous pavement, or other materials which promote direct infiltration over all or a majority of footprint of the parking lot for this specific purpose, shall not be considered an impervious surface for this calculation. It shall be the at the Planning Board's discretion as to whether the design of a “porous pavement” parking lot meets this criteria such that it may alleviate the requirement for internal islands. *[Adopted 06/03/14]*
- g. General Loading Dock Locations. No loading areas shall be located in a minimum required front yard, rear or side yards. All loading shall be located in bays generally perpendicular to driveways or access ways. All loading bays should be located behind the structure and orientated such as it is perpendicular with the street and/or rear yard. *[Amended 06/03/14]*
- h. Sidewalk and Curbing - Sidewalks between Parking Areas and principal structures along aisles and driveways and wherever pedestrian traffic shall occur, shall be provided with a minimum width of five (5) feet of passable area and shall be raised six (6) inches or more above the Parking Area except when crossing streets or driveways. Guardrails and wheel stops permanently anchored to the ground shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over sidewalk areas unless an additional sidewalk width of two and one-half (2 1/2) feet is provided to accommodate such overhang. *[Amended 06/03/14]*

2. Lighting of Parking Areas.

The Planning Board shall determine the necessity for lighting depending upon the nature of the intended use. All parking areas to be lighted shall provide a minimum of three (3) foot-candles at intersections and a total average illumination of one and one-half (1 1/2) foot-candles throughout the parking areas as required. Such lighting shall be shielded in such a manner as not to create a hazard or nuisance to the adjoining properties or the traveling public.

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3. Marking and Delineation of Parking Areas.

Parking stalls, driveways and aisles shall be clearly marked and delineated. The Planning Board may require that certain areas be maintained for fire-fighting or other emergency purposes, and such areas shall be appropriately designated.

4. General Circulation and Parking Design Principles.

- a. Parking space allocations should be oriented to specific buildings.
- b. Parking areas should be designed to focus on major walkways, which should be fenced or marked.
- c. Where pedestrians must cross service roads or access roads to reach parking areas, crosswalks should be clearly designated by pavement markings or signs and lighted. Crosswalk surfaces should be raised slightly to designate them to drivers, unless drainage problems would result. A one-way car movement (to the left or counterclockwise) should be encouraged. A major loop road should be developed around the parking areas, and parking bays should run perpendicular off the road.
- d. Driveways should approach from the right to permit passengers to alight to or from the sidewalk.
- e. Whenever possible, one-way traffic should be established at building entrances.
- f. Where buses are a factor, bus shelters and bus indentation slots off the roadway should be provided.

5. Parking Surfaces *[Adopted 06/03/14]*

All Parking Areas shall be designed with durable surfaces able to support the weight class of vehicles anticipated to normally travel over the surfaces. Surfaces shall be of compacted material, unsusceptible to settlement, change in general form, shape, or physical characteristics due to vehicular movements, drainage conditions, seasonal impacts, or other normal activities associated with the site during or post construction.

- a. All parking lot surface materials shall encourage protection of surface water quantity, quality, and discourage erosion and sedimentation, and thermal pollution impacts.
- b. All parking lot surfaces shall be specified by a professional engineer to assure the design will remain durable with suitable base materials to support the

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final surfacing and anticipated vehicular loadings, and address impacts due to existing conditions such as but not limited to unsuitable soils, groundwater, or soil contamination.

6. Waiver for Off Street Parking, Loading and Front Buffer or Landscaped Area Requirements. *[Amended 06/03/14]*

If any applicant can clearly demonstrate to the Planning Board that, because of the nature of the applicant's operation or use, the off street parking or loading areas, or front yard buffer, or internal landscaped areas, or strips/islands, requirements of this section are unnecessary or excessive, the Planning Board shall have the power to approve a site plan that does not meet said requirements, provided the applicant requests a waiver in writing of the specific performance standards they cannot meet, and clearly address the waiver criteria as follows:

- a. The need to alter the parking standard is due to existing physical property limitations due to geometric lot configurations, topography, and presence of a dominant land or structural features, all in existence prior (insert date of adoption of amendments).
- b. The approval of the waiver request will not create a harmful condition, impose on the general welfare, or lesson public safety by implementation of the proposed use and/or site improvements, to existing pedestrian and vehicular traffic movements.
- c. The approval of the waiver request will not in any way impair or harm the environment by means of drainage flow quantity or runoff water quality, nor will have a direct impact on wetlands, streams, flood plains, vernal pools, sensitive waterbody, threatened or endangered wildlife resource, or essential habitat.
- d. The approval of the waiver requested will not result in an adverse impact to immediate abutters, or the public, by creating obtrusive noise, lights, dust, odors, vibrations, or by creating negative impacts to scenic views.
- e. The approval of the requested waiver is based on evidence of need provided by the applicant, and by evidence showing that no feasible alternative is available to accomplish the applicant's parking requirement or immediate parking needs, and that the design features as proposed, considered goals set forth in the Town of Raymond Design Guidelines for Parking Areas and to the greatest extent practical applied to those recommendations. The applicant shall provide a written response describing how and where the proposed project incorporates the Design Guideline goals and recommendations.

7. Entrances Location and Design.

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- a. All entrance and exits shall be located to afford maximum safety to traffic, provide for safe and convenient ingress and egress to and from the site and to minimize conflict with the flow of traffic.
- b. Any entrance or exit shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the entrance/exit driveway with the front of the vehicle a minimum of ten (10) feet behind the curbline or edge of shoulder with the height of the eye three and seventy-five hundredths (3.75) feet to the top of an object four and five-tenths (4.5) feet above the pavement.

Allowable Speed (miles per hour)	Required Sight Distance
25	250
40	400
45	450
50	500
55	550

- c. Where a site occupies a corner of two (2) intersecting roads, no entrance or exit shall be located within fifty (50) feet of the point of tangency of the existing or proposed curb radius of that site.
 - d. No part of any entrance or exit shall be located within a minimum of ten (10) feet of a side property line. However, the Planning Board may permit an entrance or exit serving two (2) or more adjacent sites to be located on or within ten (10) feet of a side property line between the adjacent sites.
 - e. Where two (2) or more two-way entrance/exits connect a single site to any one (1) road, a minimum clear distance of one thousand (1,000) feet measured along the right-of-way line shall separate the closest edges of any two (2) such entrance/exits onto a major road. Such entrance/exit onto a minor road may be four hundred (400) feet apart.
 - f. For all developments adjacent to a major road, provision shall be made for vehicular circulation connections to adjacent developments or future projects on adjacent properties where feasible. Where appropriate and feasible, shared circulation roads for major non-residential projects shall be located between 150 feet and 300 feet from the major road in order to minimize conflicts with major road traffic.
8. Driveway Angles.
- a. Two-way operation - Entrances or exits used for two-way operation shall intersect the road at an angle of as near ninety (90) degrees as site conditions will permit and in no case less than sixty (60) degrees.

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- b. One-way operation - Entrances or exits used by vehicles in one (1) direction of travel (right turn only) shall not form an angle smaller than forty-five (45) degrees with a road unless acceleration and deceleration lanes are provided.

9. Entrance/Exit Dimensions.

The dimensions of entrances or exits shall be designed to accommodate adequately the volume and character of vehicles anticipated to be attracted daily onto the land development for which a site plan is prepared. The required maximum and minimum dimensions for entrance/exits are indicated below. Entrance/exits serving large volumes of daily traffic or traffic of over fifteen (15) percent, truck traffic shall be required to utilize high-to-maximum dimensions.

	One-way Operation Entrance/Exits * Width (feet)	Two-way Operation Entrance/Exits * Width (feet)
3 to 10 dwelling units	10-15	15-25
10 dwelling units or over	15-25	20-35
Commercial and industrial	15-30	25-35

* All entrance/exits shall be five (5) feet wider at the curbline and this additional width shall be maintained for a distance of twenty (20) feet into the site.

10. Entrance/Exit Surfacing.

Any driveway shall be constructed with the surface approved by the Planning Board in accordance with the specifications of the Code Enforcement Officer. Such surface shall extend to the paved portion of the road and shall extend throughout the area defined by the required entrance/exit dimensions specified above.

11. Entrance/Exit Profile.

Any vertical curve on an entrance or exit shall be flat enough to prevent the dragging of any vehicle undercarriage. Should the sidewalk be so close to the curb at a depressed curb entrance/exit as to cause the ramp to be too steep and be likely to cause undercarriage drag, the sidewalk shall be appropriately lowered to provide a suitable ramp gradient.

12. Entrance/Exit Grades.

Entrances or exits shall not have a grade in excess of ten (10) percent over the entire length. On arterials the grade shall not be more than three (3) percent for the first twenty-five (25) feet from the road unless otherwise approved by the

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Planning Board. Entrance/exits shall not be located where visibility is limited because of curves or topography.

13. Road Standards.

- a. When a project entails the construction of public or private ways, these ways shall conform to Town standards as described in the Raymond Street Ordinance.
- b. No development that requires Planning Board approval shall be allowed on parcels that do not have frontage on Town approved roads or the connecting road shall be brought up to Town standards and maintained by the developer until such time as the road is taken over by the Town or a road association.
[Adopted 5/20/89]

14. Lighting.

In connection with every site plan, the applicant shall submit plans for all proposed interior lighting. These plans shall include the location, type of light, radius of light, manufacturer's specifications sheet and the intensity in foot-candles. The following design standards shall be followed:

- a. The style of the light and light standard shall be consistent with the architectural style of the principal building.
- b. The maximum height of freestanding lights shall be the same as the principal building but not exceeding twenty-five (25) feet.
- c. All lights shall be shielded to restrict the maximum apex angle of the cone of illumination to one hundred fifty (150) degrees.
- d. Where lights along property lines will be visible to adjacent residents, the lights should be appropriately shielded.
- e. Spotlight-type fixtures attached to buildings should be avoided.
- f. Freestanding lights shall be so located and protected as to avoid being easily damaged by vehicles.
- g. Lighting should be located along streets, parking areas, at intersections and crosswalks and where various types of circulation systems merge, intersect or split.
- h. Pathways, sidewalks and trails should be lighted with low or mushroom-type standards.

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- i. Stairways and sloping or rising paths, building entrances and exits require illumination.
- j. Lighting should be provided where buildings are set back or offset.
- k. The following intensity in foot-candles should be provided:
 - 1) Parking lots: an average of one and five-tenths (1.5) foot-candles throughout.
 - 2) Intersections: three (3) foot-candles.
 - 3) Maximum at property lines: one and zero-tenths (1.0) foot-candle.
 - 4) In residential areas: average of six-tenths (0.6) foot-candle.
- l. Display lighting shall be shielded and shall be so located and maintained as not to constitute a hazard or nuisance to the traveling public or to neighbors. In particular, so-called "string lights" shall not be permitted.

15. Buffers.

Buffers are fences, landscaping, berms and mounds used to minimize any adverse impacts or nuisance on the site or from adjacent areas. The following guidelines apply:

- a. Evergreens can be used as buffers, provided they are planted properly. An evergreen buffer requires two (2) or three (3) rows of staggered plantings. The rows should be five (5) feet apart and the evergreens planted four (4) feet on center.
- b. Buffers shall be considered in or for the following areas and purposes:
 - 1) Along property lines, to shield various uses from each other.
 - 2) Along interior roads running parallel to roads exterior to the site, to prevent confusion, particularly at night.
 - 3) Parking areas, garbage collection areas, and loading and unloading areas.
 - 4) To block prevailing wind patterns and to stop wind-borne debris from leaving the site.
- c. Natural features shall be maintained wherever possible to provide a buffer between the proposed development and non-compatible abutting properties and public roadways. When natural features such as topography, gullies, stands of trees, shrubbery, rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers shall be considered.
- d. Buffers shall be sufficient to shield structures and uses from the view of non-compatible abutting properties and public roadways, and to otherwise prevent

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any nuisances including but not limited to all loading and unloading operations, storage areas, commercial vehicle parking, waste disposal and collection areas.

- e. Fencing and screening shall be durable and properly maintained at all times by the owner.
- f. Fencing and screening shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties.
- g. All buffer areas shall be maintained in a neat and sanitary condition by the owner.

16. Site Conditions.

- a. During construction, the site shall be maintained and left each day in a safe and sanitary manner, and any condition that could lead to personal injury or property damage shall be immediately corrected by the developer upon an order by the Building Inspector or other authorized personnel. The developer shall make provision for disposal of oil and grease from equipment and the site area should be regularly sprayed to control dust from construction activity.
- b. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon the request of and to the satisfaction of the Building Inspector prior to issuing an occupancy permit.
- c. No change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on an approved site plan. Minimal changes in elevations or contours necessitated by field conditions may be made only after approval by the Building Inspector. All the changes necessitated by field conditions shall be shown on the final plan and indicated as a change from the preliminary, or if final approval has been granted, the changes shall be shown on the as-built plans.
- d. Temporary improvements. Prior to or during construction, the Building Inspector may require the installation or construction of improvements to prevent or correct temporary condition on the site which could cause personal injury, damage to property or erosion and landslide, flooding, heavy construction traffic, creation of steep grades and pollution. Improvements may include berms, mulching, sediment traps, detention and retention basins, grading, plantings, retaining walls, culverts, pipes, guardrails, temporary roads and others appropriate to the specific condition. All temporary improvements shall remain in place and in operation until otherwise directed by the Building Inspector.

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17. Environmental Considerations: The site plan shall be designed in accordance with applicable Town regulations designed to protect the environment.
- a. Conservation, erosion and sediment control. The following measures shall be included where applicable as part of any Site Plan Review and approval:
- 1) Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.
 - 2) Development shall preserve salient natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
 - 3) Whenever feasible, natural vegetation shall be retained, protected and supplemented.
 - 4) The disturbed area and the duration of exposure shall be kept to a practical minimum.
 - 5) Disturbed soils shall be stabilized as quickly as practicable.
 - 6) Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
 - 7) The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site.
 - 8) Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.
 - 9) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at the developer's expense as quickly as possible.
 - 10) It is the responsibility of any person doing any act on or across a communal stream, watercourse or swale or upon the floodway or right-of-way thereof to maintain as nearly as possible in its present state the stream, watercourse, swale, floodway or right-of-way during the duration of such activity and to return it to its original or equal condition after such activity is completed.

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- 11) Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.
- b. Hazardous Matter. For any toxic or hazardous matter storage as defined in 38 M.R.S.A., Sec. 13, the Planning Board may require:
 - 1) An environmental evaluation of the geologic, hydrologic, and soils conditions of the site;
 - 2) A description of wastes to be stored, the storage method, and the disposal method;
 - 3) Information as to the existing ground water quality around the site, and a system to monitor any changes should contamination occur;
 - 4) Findings and use of hazardous matter must be shown to be consistent with other local and state regulations.
- c. Odors. Adequate provisions must be made to control the emission of odors from the site, in accordance with this Ordinance. The Planning Board may require the applicant to establish pre and post-construction odor levels.
- d. Noise. Adequate provisions must be made to control unnecessary noise from and at the site in accordance with this Ordinance. The Planning Board may require the applicant to establish pre and post-construction noise levels.
- e. Vibrations. Adequate provision must be made to control vibrations in accordance with this Ordinance. The Planning Board may require the applicant to establish pre and post-construction vibration levels.
- f. Unique Features. Adequate provision must be made to mitigate adverse impact on existing scenic or natural beauty, rare or irreplaceable historic sites, any deer wintering area or other important plant or wildlife habitat or scenic area such as views of Sebago Lake or mountains from public places, or other features of importance to the Town.

Developers shall be encouraged to retain any existing trail system that crosses the property or to re- route the trail system to a suitable portion of the property such that the integrity and continuity of the trail is retained. Developers shall be encouraged to retain the integrity and continuity of any greenbelt, which crosses the property.

18. When firefighting water supply or hydrants are required but not located within a proposed or existing right of way of a public street, perpetual easements shall be provided to the Town allowing for maintenance, improvements, testing and use.
[Adopted 3/15/97]

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As adopted May 21, 1994 amended June 4, 2013
ARTICLE 11 – LEGAL STATUS PROVISIONS

ARTICLE 11 - LEGAL STATUS PROVISIONS

A. Conflict with Other Ordinances

1. This Ordinance replaces the Zoning Ordinance of the Town of Raymond, which is hereby repealed except that it shall remain in full force for the trial and punishment of all past violations of it and for the recovery of penalties and forfeitures already incurred.
2. The regulations of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare provided, however, that where this Ordinance is found to be in conflict with any other lawfully adopted ordinances, codes, covenants, or regulations, the provision which imposes the higher standard or is the more restrictive shall prevail.

B. Separability

If any section, subsection, clause, or phrase of this Ordinance shall be held to be invalid or unconstitutional, such invalidity shall not affect the remaining provisions of this Ordinance and to that end the provisions of this Ordinance are hereby declared to be severable.

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Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular. The word "shall" is always mandatory. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The word "lot" includes the word "plot" or "parcel". The words "used" or "occupied" as applied to any land or building, shall be construed to include the words, "intended, arranged, or designed to be used or occupied."

Except as specifically defined herein, all words in this Ordinance shall carry their customary dictionary meanings. For the purposes of this Ordinance, certain words or terms used herein are to be construed or defined as follows:

"Town" or **"Municipality"** means the Town of Raymond.

Accessory Apartments - A separate dwelling unit of no more than 700 square feet, excluding stairways, either attached or detached, and located on the same parcel with a single family dwelling. The apartment shall contain a kitchen and bathroom which are separate from and not used in common with the principal dwelling unit. *[Amended 06/03/15]*

Accessory Use or Structure - A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. *[Amended 06/03/15]*

Affordable Housing - Housing which can be afforded by households at or below eighty (80) percent of the Town's median household income, as specified by the Maine Department of Economic and Community Development or the Maine State Planning Office. In making a determination of the affordability of the units, the Planning Board shall find that "shelter expenses" do not exceed thirty (30) percent of the eighty (80) percent median household income figure. Shelter expenses shall include mortgage and/or rental costs, taxes, homeowner/tenant insurance, heat and utilities.

Agriculture - The production, keeping or maintenance for sale or lease, of plants, trees, animals or honeybees, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green-house products. Agriculture does not include forest management and timber harvesting activities.

Alteration to Impervious Area - An alteration to an existing impervious area through addition of low-permeability materials, re-grading of the area or other disturbance, addition or reconfiguration that results in a change in the existing drainage

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pattern or the functionality of the drainage system, a change in the permeability of the area, a change in the area or pattern of any compaction, or any other change which affects the existing infiltration of stormwater. Alteration to impervious does not mean the paving, blacktopping, sealing, painting, or maintaining of an already impervious surface unless one of the criteria above has been met. *[Adopted 06/02/09]*

Amusement Parks - A permanent recreational park equipped with amusements such as Ferris wheels, waterslides or other such equipment and facilities. Miniature golf courses shall be considered an amusement park for the purposes of this section.

Automobile Graveyard – The definition in Title 30-A, Section 3752, as it may be amended from time to time, is incorporated herein. *[Adopted 3/17/01]*

Automobile Recycling Business – The definition in Title 30-A, Section 3752, as it may be amended from time to time, is incorporated herein. *[Adopted 3/17/01]*

Automobile Storage Lot – A lot or part thereof that is used for the sale and/or storage of any three (3) or fewer automobiles, trucks and/or other motorized vehicles, as defined in Title 29-A, section 101, subsection 42, that are not registered and/or do not have a current state inspection sticker, or parts of such vehicles, and that are not enclosed in a permanent structure. A business that buys and sells vehicles for immediate inspection and registration by new owners after sale is not an automobile storage lot. *[Adopted 3/17/01]*

Back Lots - A lot that does not have street frontage directly on a public or private road. Direct access to a public road, and frontage requirements, are met for back lots through an application for a back lot driveway plan approved by the Planning Board under Article 9, Section T of the ordinance.

Back Lot Driveway - A driveway within a defined location serving access and frontage purposes for no more than two back lots and which originates from a street constructed in accordance with the Town of Raymond Street Ordinance standards for a public or private street, Town accepted street or from a road constructed in accordance with the Town of Raymond Street Ordinance standards for a private street.

Boarding Home - Any dwelling in which lodging is offered for compensation to three (3) or more persons either individually or as families with or without meals.

Buffer Strip - An area or belt of land covered with trees or other vegetation that serves to protect a body of water from the adverse effects of development.

Buildable Area - The portion of the lot remaining after required yards have been provided.

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Building - Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals or chattel.

Building Inspector - The inspector of buildings for the Town of Raymond or any duly authorized person.

Campground - Land upon which one or more tents are erected or trailers are parked for temporary recreational use on sites arranged specifically for that purpose. The word "campgrounds" shall include the words "tenting grounds" and "trailer parks."

Camper - For the purposes of this Ordinance, a "camper" shall be treated in all respects as a trailer.

Conditional Use - A use that would not be appropriate generally or without restriction throughout the land use district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in said land use districts as conditional uses, where specific provision for such conditional use is made in this Ordinance. Any land use not listed in the Ordinances must go to the Board of Appeals before approval. *[Adopted 5/20/89]*

Condominium - As defined in the Maine Condominium Act, Chapter 31 of Title 33 of the Maine Revised Statutes, as such may be amended from time to time. *[Amended 8/7/07]*

Developable Area – For individual house lots, developable area is the portion of the lot deemed suitable for building and not comprised of land that is unsuitable for development due to limitations based on the presence of wetlands, floodplains, or steep slopes. For larger parcels or tracts of land proposed for subdivision or other development, the developable area is the amount of land remaining after deductions are made for unsuitable land using the net residential area calculations. In such developments, the developable area is used to determine the maximum number of lots or dwelling units that will be permitted on the land parcel or tract, rather than using the gross acreage. *[Adopted 8/7/07]*

Diversion Ditch - A ditch constructed across the slope to divert water away from the area under development.

Dwelling - A building or part thereof used for living quarters for one (1) or more families.

Dwelling Unit - One (1) or more habitable rooms designed, intended or used for living quarters by one (1) or more persons living together as a family, with living, sleeping, sanitary, and cooking facilities, including within the meaning of cooking facilities a

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stove, hot plate, microwave oven, or other device for heating or cooking food. *[Adopted 5/16/87]*

1. Permanent or year round - A dwelling unit so constructed as to be suitable for occupancy three hundred sixty-five (365) days of the year.
2. Seasonal - A dwelling unit so constructed as to be suitable for occupancy during the warmer months of the year only.

Duplex – A building with two dwelling units.

Driveway – Access route or right-of-way to any single family dwelling, duplex, or multifamily building if so allowed in a zone, except where such buildings are developed as part of a larger subdivision. For other allowed non-residential uses, the term shall mean any primary access route used for vehicular ingress, or egress from a location off a public or private right-of-way. All non-residential and multifamily dwelling driveways shall conform to the applicable design requirements as provided in Article 10-Site Plan Review, F. Performance Standards. *[Amended 6/7/16]*

Elderly Housing – a building or group of buildings containing three or more dwelling units which are limited for a period of at least 50 years by restrictive covenants recorded in the Cumberland County Registry of Deeds to use only as “housing for older persons,” as defined in the Federal Fair Housing Act, as that act may be amended.¹

Emergency Operations - Emergency operations shall include operations conducted for the public health, safety, or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury.

¹ Under the definition in the Federal Fair Housing Act in effect at the time of adoption of this ordinance definition (42 U.S.C. § 3607(b)(2)), “housing for older persons” means any one of the following:

- (1) a dwelling which the federal Department of Housing and Urban Development has determined is specifically designed and operated to assist elderly persons under a federal or state government program;
- (2) a dwelling intended for and occupied solely by persons who are 62 years of age or older; or
- (3) a housing facility or community intended and operated for occupancy by persons 55 years of age or older and in which:
 - 1) at least 80% of the occupied units are occupied by at least one person who is 55 years of age or older,
 - 2) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent to operate for occupancy by persons 55 years of age or older, and the housing facility or community complies with rules issued by the Secretary of Housing and Urban Development for verification of occupancy.

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Erosion Control - The placement of vegetation, such as grasses and wildflowers, and other materials, such as straw, fiber, stabilizing emulsion, protective blankets, etc., on areas disturbed by grading operations. Erosion control measures reduce the loss of soil due to the action of water or wind and minimize water pollution.

Family - One (1) or more persons occupying a premise and living as a single (1) housekeeping unit as distinguished from a group occupying a boarding house, lodging house, or hotel as herein defined.

Flood Insurance Rate Map - That map identifying areas of special flood hazard within the town prepared by the Federal Emergency Management Agency, as most recently revised, finally approved and effective.

Forest Management Activities - Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction or creation of roads.

Frontage - See Lot Frontage.

Gross Development Area - Any area disturbed by development such as clearing, cutting, filling, excavation, or paring.

Gross Floor Area - The sum in square feet, of the total horizontal area of all floors of a building, as measured from the interior faces of the outside walls. Non-daylight basements should not be included in the calculation of Gross Floor Area unless it has usable access from the outside and serves a function that would typically provide public access. Daylight basements should be included in calculating Gross Floor Area.
[Adopted 06/02/09]

Height of Building - The vertical measurement from grade to the highest point of the roof beams in flat roofs; to the highest point on the deck of mansard roofs; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs; or to a level two-thirds (2/3) of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose, the level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves. The height limits of this Ordinance shall not apply to church spires, belfries, cupolas, domes, monuments, water towers, transmission towers, chimneys, conveyors, derricks, radio and television towers, and similar structures not intended for human occupancy. *[Amended 8/7/07]*

Home Occupation - An occupation or profession that is customarily carried on in a dwelling unit and clearly incidental and secondary to the use of the dwelling unit for

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residential purposes. A home occupation must conform to the standards set forth in Article 9 of this Ordinance.

The following are examples of permitted uses under this definition:

1. Beauty Shop; 2. Arts and Crafts studio or shop; 3. Professional Office; 4. Woodworking; 5. Day Care Center; 6. Seamstress/Tailor; 7. Small engine repair excluding motorized vehicles such as mopeds, motorcycles, ATV's and snowmobiles. No retail sales of repaired goods shall be permitted.

The following uses are specifically prohibited as a home occupation:

1. Auto repair, 2. Auto body repair.

Impervious Area - The area that consists of buildings and associated constructed facilities or areas that will be covered with a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. *[Adopted 06/02/09]*

Independent Parking Facility- An outdoor storage area for motor vehicles, or enclosed garage or structure for storage of motor vehicles, which is the sole use of the lot or parcel. This definition includes areas such as tow yards or compounds not associated with a garage or vehicle repair use. *[Adopted 06/03/14]*

Industrial Structure - Any building or structure, except a dwelling intended for the making of goods and articles by hand or machinery including assembly, fabrication, finishing, packaging and processing. The term shall include any building or structure, which houses goods or equipment for that purpose.

Industrial Use - The making of goods and articles by hand or machinery including assembly, fabrication, finishing, packaging and processing.

Junk Yard – The definition in Title 30-A, Section 3752, as it may be amended from time to time, is incorporated herein. *[Amended 3/17/01]*

Landscaped Buffer Strip - An area of land comprised of existing vegetation or which is landscaped with grass or bark mulch and shrubs or trees. Crushed rock or materials such as concrete or asphalt and green paint are not acceptable materials for the development of a landscaped green strip. Parking and display of items for sale or trade shall not be permitted in the landscaped buffer strip.

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Lot - A parcel of land in single (1) ownership, and having frontage upon a approved street or having a private right-of-way whose width shall not be less than that width used as a minimum standard for public rights-of-way.

Lot Structural Coverage - The portion of a lot that is covered by structures, generally expressed as a percentage of the total lot area. *[Adopted 8/7/07][Amended 6/7/16]*

Lot Frontage - The distance along the front lot lines of a lot, or in the case of an irregular or curved front lot line, the distance along an imaginary straight line connecting the two (2) ends of the front lot line; or in the case of a back lot the frontage shall be measured as described in the definition of Back Lot Driveway and in Article 9 Section T.3 of the Land Use Ordinance. That side of a lot facing a major public water body shall be known as the waterfront; and the side or sides facing a street shall be known as the street front.

Manufactured Housing - A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For the purpose of this section, two types of manufactured housing are included. Those two types are:

1. Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development Standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit.

This term also includes any structure, which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et. seq.; and

2. Those units commonly called "modular homes," which the manufacturer certifies are constructed in compliance with Title 10, Chapter 975, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings

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on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

Mobile Home Park - A parcel of land under unified ownership approved by the Town of Raymond for the placement of three (3) or more manufactured housing units.

Mobile Home Park Lot - The area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home.

Mobile Home Park Subdivision or Development – A parcel of land approved by the Town of Raymond for the placement of manufactured houses on individually owned lots.

Multi-Family Dwelling – A building with three or more dwelling units. *[Adopted 5/21/05]*

Municipal Officer – Any member of the Board of Selectmen of the Town of Raymond.

Municipal Official – Any member of any Board appointed by the Board of Selectmen of the Town of Raymond, any administrative employee of the Town and the Board of Selectmen.

Net Residential Area – A calculation that deducts from the total area of a land parcel or tract all land that is not considered buildable or suitable for development, leaving the land area allowed for calculating Net Residential Density. *[Amended 8/7/07]*

Net Residential Density – The maximum number of dwelling units allowed on a parcel or tract of land after performing the Net Residential Area calculation and dividing the resulting area by the minimum lot size for the zoning district where the parcel or tract of land is located. *[Amended 8/7/07]*

Normal High Water Mark of Inland Waters – That line on the shores and banks of non-tidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes, but is not limited to the following plants and plant groups water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses, and terrestrial vegetation includes but is not limited to the following plants and plant groups - upland grasses, aster, lady slipper, wintergreen, partridge berry, sasparilla, pines, cedars, oaks, ashes, alders, elms, and maples). In places where the shore or bank is of such character that the high water mark cannot be easily determined (rockslides, ledges, rapidly eroding or slumping banks) the normal high water mark shall be estimated from places where it can be determined by the above method.

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Nursing Home - Any dwelling in which three (3) or more aged, ill, chronically ill, or incurable persons are housed and furnished with meals and nursing care for compensation.

Open Space Subdivision – a subdivision in which the dimensional requirements are reduced below that otherwise required in return for permanently preserved open space.

Owner - Any person, firm, corporation or other legal entity that controls a parcel of land by a fee or less than fee title, or is party to a valid contract or option to purchase said title.

Parking Area – An outdoor storage area for motor vehicles that is not located on a street right of way. *[Adopted 06/03/14]*

Plunge Pool - A stone-lined pool below the elevated outlet of a drainage culvert used to reduce the erosive force of water.

Pond - Any inland body of water which has a surface area in excess of ten (10) acres, except where such body of water is man-made and in addition is completely surrounded by land held by a single owner, and except those privately owned ponds which are held primarily as waterfowl and fish breeding areas or for hunting and fishing.

Privy - A pit in the ground into which human excrement is placed.

Public Places - Public parks; playgrounds; trails; paths; other recreational areas; other public open spaces; scenic and historic sites; schools and other public buildings and structures.

Recent Flood Plain Soils - Recent flood plain soils include the following soils as described and identified by the National Cooperative Soil Survey:
Alluvial land; Hadley silt loam; Limerick fine sandy loam; Ondawa fine sandy loam; Podunk fine sandy loam; Rumney fine sandy loam; Saco Silt loam; Suncook loamy sand; and Winooski silt loam.

Retail Convenience Shops - Any retail business establishment catering primarily to the needs of residents in its vicinity for goods or services housed entirely within a building of which the total floor area does not exceed two thousand (2,000) square feet; the term includes, but is not limited to grocery, hardware, and drug stores, but not eating facilities.

Riprap - Large, loose, angular or rounded stone used as a permanent erosion-resistant ground cover.

River - Any free-flowing body of water from that point at which it provided drainage for a watershed of twenty-five (25) square miles to its mouth.

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Road - A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing materials constructed for or created by the repeated passage of motorized vehicles.

Road-Crossing of a Watercourse - That portion of road that traverses a river or a body of standing water.

1. Major Road-Crossing of a Watercourse – A road crossing of a stream or water body that appears on the USGS topographical maps.
2. Minor Road-Crossing of a Watercourse – A road crossing of a stream or water body that does not appear on the USGS topographical maps.

Ruins - Buildings or other structures that are destroyed or damaged by fire or other disasters. *[Amended 8/7/07]*

Secondary Access- Access routes, paths, or ways whose function is to serve a permitted use on a lot for the purpose of emergency response, or maintenance service, or any other non-primary function to serve the lot. Such secondary access shall not meet the requirements or definition of a driveway. *[Amended 6/7/16]*

Sediment Basin - An embankment or shallow excavated pit or pond used to impound water in order to collect and store sediment and/or debris.

Sedimentation Control - Physical practices, such as installation of silt fence, stone check dams, sediment traps, etc., that help reduce the likelihood of eroded soil particles suspended in stormwater from being deposited in a stream, lake or other body of water.

Shipping Container - A roofed or unroofed container placed outdoors and used for the storage of goods, materials or merchandise, which are utilized in connection with a lawful principal or accessory use of the lot. The term storage container includes, but is not limited to, containers such as boxcars, semi-trailers, roll-off containers, slide-off containers, railroad cars and "piggy-back" containers. The term storage container does not include:

1. A garage, barn or storage structure accessory to a principal use provided such structure is not of a type designed, equipped or customarily used for over-the-road transport of goods, materials or merchandise.
2. A "dumpster"-type container that is owned by a licensed waste hauler and is emptied no less than once a month provided that use of such container is incidental to the principal use of the property. *[Adopted 5/15/04]*

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Sign - An attached or freestanding structure or part of a structure designed to convey to persons not on the premises some information, knowledge, or idea by means of letters, words, insignia, color, illuminated, or non-illuminated device or illustration. *[Amended 06/02/09]*

Sign Area - For the purposes of this Ordinance, the area of a sign shall be construed to be that part or surface used to convey a message but shall not include poles, standards or other parts that perform solely a weight bearing function.

Silt Fence - A pervious woven or non-woven material that is installed across or at the toe of a slope in order to slow the velocity of water and allow sediment to settle out. Silt fence is supported by metal or wooden stakes and is extended under the soil surface to prevent bypass of drainage water.

Storage Lot – A lot or part thereof that is used for the sale and/or storage of the following, which cover a total aggregate area of less than two hundred fifty (250) square feet and which are not enclosed in a permanent structure:

1. Used plumbing, heating supplies, household appliances and furniture;
2. Used lumber;
3. Old or used copper, brass, rope, rags, batteries, paper trash, rubber debris and tires, waste and scrap iron, steel and other ferrous or nonferrous material; and
4. Used snowmobiles, ATVs, boats and other machinery. *[Adopted 3/17/01]*
[Amended 5/15/04]

Street - A public way which affords the principal means of access to abutting properties, or a proposed way that is intended to be accepted by the Town as a public way in accordance with the Town of Raymond Street Ordinance, or a private street as defined in this ordinance. The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets", etc.

- **Minor Street**- A street designed to serve as primary residential access, and which meets the design standards for Public Streets as outlined in Section 5.5 of the Town of Raymond Street Ordinance.
- **Private Street**- A street designed to serve as primary access to two or more residential lots, which is built to standards as outlined in Section 5.5 Street Design Standards of the Town of Raymond Street Ordinance. Private Streets are to be maintained by an owner, or ownership such as a homeowners association, and shall not be accepted as a public street unless the street is proven to meet the public road standards as determined by the Public Works Director and a State of Maine Professional Engineer.

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Structure - Anything built for the support, shelter or enclosure of persons, animals, goods, or property of any kind. For the purpose of this Ordinance, fences and structures such as doghouses, tree houses designed for children's use and bus shelters shall not be considered structures. Antennas shall be considered structures. Utility poles shall be considered structures. Utility poles shall be considered structures for the purpose of required setbacks from the high water mark of any pond, lake, or river. *[Adopted 5/16/87]*

Structure Terms:

1. Principal Structure - The structure in which the primary use of the lot is conducted.
2. Accessory Structure - A structure of a nature customarily incidental or subordinate to that of the principal structure or the primary use to which the premises are devoted.
3. Temporary piers, docks, wharves, breakwaters, causeways, marinas and uses projecting into water bodies. Structures that remain in the water for less than seven (7) months in any period of twelve (12) consecutive months.
4. Permanent piers, docks, wharves, breakwaters, causeways, marinas and uses projecting into water bodies. Structures that are not removed from the water annually.
5. Single-family dwelling - A structure containing not more than one (1) dwelling unit. *[Adopted 5/16/87]*
6. Multi-family dwelling - A structure containing two (2) or more dwelling units. *[Adopted 5/16/87]*

Subdivision - A subdivision is a division of a tract or parcel of land as defined in Title 30, Section 4956 of the Maine Revised Statutes Annotated.

Subsurface Drainage Structure - Tile, pipe or tubing installed beneath the ground surface to collect and/or convey drainage water.

Temporary Check Dam - Small, temporary stone or log barriers constructed across a swale or drainage ditch to filter sediment out of drainage.

Timber Harvesting - The cutting or removal of timber for the primary purpose of selling or processing forest products. Timber harvesting does not include the clearing of land for approved construction.

Timber Harvesting Activities - Timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

Travel Trailer - A vehicle designed to be moved on wheels and intended as a temporary dwelling for travel, recreation, and vacation use.

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Variance - A variance is a relaxation of the terms of this Ordinance where such will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

Waterbody - A coastal or freshwater wetland, great pond, river, stream or brook, whether seasonal or perennial.

Wetland - Areas enclosed by the normal high water mark of inland waters and areas otherwise identified on the basis of soils, vegetation, or other criteria as inland wetlands including but not limited to swamps, marshes or bogs.

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ARTICLE 13 – OPEN SPACE SUBDIVISIONS

ARTICLE 13 – OPEN SPACE SUBDIVISIONS

A. Introduction

1. Policy

It is the policy of the Town of Raymond to encourage the use of open space subdivisions in order to preserve a sense of space, provide for sustainable agriculture and forestry as well as recreational land, preserve other resources identified in the Town of Raymond Comprehensive Plan, and harmonize new development with the traditional open, wooded, agricultural, rural and village landscapes of the Town.

This performance standard is intended to implement that policy by providing incentives that afford flexibility to landowners in road and lot layout and design and road frontage requirements and by allowing the Planning Board to expedite procedure and to waive or reduce certain otherwise applicable standards and provisions of this Land Use Ordinance and the Subdivision Regulations if such landowners commit to the permanent preservation of important open space resources. These incentives are designed to encourage greater flexibility and more innovative approaches to housing and environmental design for the development of single and multi-family residential areas that will promote the most appropriate use of land and will preserve, as permanent open space, agricultural or forestry land, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents.

2. Purposes

To qualify as an open space subdivision, that Planning Board must find that the subdivision will achieve all of the following purposes that are applicable to its specific circumstances:

- a. Long term protection and conservation of existing natural and other resources and landscapes identified in the Comprehensive Plan, the Subdivision Regulations, and the Land Use Ordinance including but not limited to:
 - 1) State-defined critical areas, and unique natural features located on the parcel to be subdivided;
 - 2) Historic land use patterns and historic structures;
 - 3) Points of visual access to or from water bodies, scenic vistas, and points of access to water bodies;

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- 4) Contiguous stands of mature trees;
 - b. Maintenance or establishment of compatibility with surrounding land uses and the overall rural character of the Town as defined by the Comprehensive Plan;
 - c. Provision of adequate buffers for adjoining properties where needed;
 - d. Contribution to Town-wide open space planning by creating a system of permanently preserved open space, both within large parcels of land and among such parcels throughout the Town, and by encouraging linkages between open space areas;
 - e. Conservation of land suitable or actively used for agriculture and forestry uses, particularly where the open space subdivision borders active agricultural or forestry land or land suitable for the same;
 - f. Conservation of traditional land uses;
 - g. Creation of choices in the type of environment (business or residential) and type of housing available that will be a long-term asset to Raymond;
 - h. Construction of affordable housing;
 - i. Provision of recreation facilities, including active and passive recreational space, in the most suitable locations for use consistent with the other purposes of this performance standard; and
 - j. Attainment of planned variety and coordination in the location of structures, architectural styles, and building forms and relationships.
3. Types of Open Space Subdivisions

There are two types of open space subdivisions, which may be used separately or in combination:

a. Cluster Subdivisions.

A cluster subdivision achieves the purposes of this performance standard by reducing the lot size and frontage and setback requirements in the Land Use Ordinance, modifying the road design standards contained in the Subdivision Regulations, and clustering housing or business structures and uses in those areas where they will have the least impact on identified environmental and other open space resources. These resources are then permanently preserved by the use of covenants and restrictions and/or conservation easements that run with the land. The cluster principle can be applied to subdivisions of five

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or more lots. Subdivisions of fewer than five (5) lots shall not be developed as cluster subdivisions.

b. Conservation Density Subdivisions.

A conservation density subdivision achieves the purposes of this performance standard through the creation of significantly lower lot densities than what would be allowed in the applicable zoning district. In no event may the density of such a subdivision average less than ten (10) acres per principal structure, including the land placed in open space for the parcel or portion of the parcel to be developed. This low density is maintained in perpetuity through the use of permanent conservation easements or covenants and restrictions running with the land.

4. Grouping Contiguous Parcels

In order to increase design flexibility, two or more contiguous parcels of land under the same or different ownership, including parcels separated by a public or private road, may be grouped together as one open space subdivision, if the Planning Board finds that such grouping will benefit the Town and that it helps achieve the purposes set forth in Article 13, Section A.2.

B. Planning Board Review

1. Pre-application

An individual may apply for approval of an open-space subdivision as part of the pre-application review described in Article 9 of the Subdivision Regulations. If the subdivider applies for an open space subdivision, the subdivider shall submit a Sketch Plan for a conventional subdivision and a sketch plan of an open space subdivision designed to meet the requirements of Article 13 of the Land Use Ordinance. The submission shall include a narrative that addresses the applicability of each of the purposes in Section 13.A.2 of the Land Use Ordinance to the proposed subdivision.

After review of the pre-application, if the Planning Board determines that an open space subdivision will achieve the purposes set forth in Section A.2. that are applicable to the proposed subdivision, the Board may advise the applicant to proceed with an application for an open space subdivision.

2. Application Procedure

a. Required Plans

The submissions for an open space subdivision shall include, as appropriate unless any of the same is waived, all plans and materials required for a

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conventional subdivision under the Subdivision Regulations and for Site Plan Review.

b. Waiver of Submission and Review Requirements

The Planning Board may grant appropriate waivers of submission requirements for an open space subdivision in order to expedite and make the review process more efficient where the number of lots proposed for development in a parcel, is five or fewer within any five-year period, or the proposed open space subdivision is a conservation density subdivision.

C. General Requirements

In Planning Board review and approval of an open space subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of the Land Use Ordinance or the Subdivision Regulations:

1. Use and District Requirements

All open space subdivisions shall meet the use standards of the Districts in which they are located.

2. Allowable Density

a. The allowable density for a proposed development of five or fewer lots within any five-year period of a parcel of land under one ownership or a grouping of contiguous parcels as described in Article 13, Section A.4 shall be determined by the gross lot area of the portion of each parcel proposed for development without reference to net residential acreage, divided by the minimum lot size of the applicable district without reference to net residential acreage.

b. Reserved. *[Repealed 6/7/11]*.

c. The allowable density for all other developments shall be based on net residential density, and shall be calculated in the following manner:

1) Determine the developable area of the parcel according to the Net Residential Area Calculation contained in Article 8, section A and increase it by 20%; then *[Amended 5/21/05]*

2) Divide the increased net residential area by the minimum lot size required in the District to obtain the net residential density allowable. *[Amended 5/21/05]*

d. A lot for a dwelling unit created as part of an open space subdivision shall not be further subdivided.

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- e. A lot for a principal structure created as part of an open space subdivision where such lot shall have within its bounds designated open space shall not be further subdivided unless the original approved plan shall have reserved future development of such lot, but any such further subdivision shall only be made in accordance with this performance standard.
- f. Any affordable housing density bonus provision provided for in the Land Use Ordinance or the Subdivision Regulations shall also apply within clustered residential projects.
- g. In a conservation density subdivision, where all other requirements of this performance standard are met, the Planning Board may include up to 50% of land in Resource Protection zones and wetland areas for purposes of calculating density.

3. Layout and Siting Standards

In planning the location and siting of residential or business structures in an open space subdivision, lot dimension and frontage should not be the primary considerations. Priority should be given to the preservation of the open space for its natural resource value, with human habitation and business activity located and sited on the lower valued natural resource portion of a parcel, taking into account the contours of the land and the reasonableness of slopes.

The building lots on a parcel shall be laid out and the residences and business structures shall be sited so as to maximize the following principles. The Board in its discretion shall resolve conflicts between these principles as applied to a particular site. In order to maximize the following principles the Board may request additional information from applicants as it deems relevant and may require a third party review of the proposed layout, siting and design of the subdivision, by a professional qualified in landscape design, landscape architecture or other relevant disciplines.

- a. In the least suitable agricultural soils and in a manner which maximizes the useable area remaining for the designated open space use, where agricultural, forestry, or recreational, existing or future uses, are particularly sought to be preserved.
- b. In locations least likely to block or interrupt scenic, historic, and traditional land use views, as seen from public roadways and great ponds.
- c. Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland to reduce encroachment upon agricultural soils, to provide shade in the summer, and shelter as well as solar gain in the winter, and to

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enable new residential development to be visually absorbed by natural landscape features;

- d. In such manner that the boundaries between residential or business lots and active agricultural or forestry land are well buffered by vegetation, topography, roads, or other barriers to minimize potential conflict between residential or business and agricultural or forestry uses;
- e. In locations where buildings may be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas, in accordance with an overall plan for site development;
- f. In locations that provide compatibility in terms of physical size, visual impact, intensity of use, proximity to other structures, and density of development with other permitted uses within the zoning district;
- g. In locations such that diversity and originality in lot layout and individual building, street, parking layout is encouraged.
- h. In locations least likely to block or interrupt existing trails, trail systems or other traditional recreational travel corridors such as snowmobile routes.
- i. So that individual lots, buildings, street and parking areas shall be designed and situated to minimize alterations of the natural site, to avoid the adverse effects of shadows, noise and traffic on the residents of the site, to conserve energy and natural resources, and to relate to surrounding properties, to improve the view from and of buildings.

4. Space Standards

- a. Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required in the zoning district.
- b. Distances between residential structures in multi-family open space subdivisions shall be a minimum of the height of the tallest structure.
- c. In areas outside of the LRR1 and LRRII Districts, the required minimum lot size or minimum land area per dwelling unit for the building envelope may be reduced in open space subdivisions to no less than one-half acre. The required minimum lot size or minimum land area per dwelling unit for the building envelope may be reduced in open space subdivisions within the LRR1 and LRRII Districts to one acre and one and one-half acres, respectively. If the lot area is reduced, the total open space in the development shall equal or exceed the sum of the areas by which the building lots are reduced below the minimum lot area normally required in the zoning district notwithstanding the

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net residential density allowed by subparagraph C.2, above, of this performance standard.

- d. Minimum road frontage requirements of the Land Use Ordinance and Subdivision Regulations may be waived or modified by the Planning Board provided that:
 - 1) Any applicable provisions regarding Roads in the Street Ordinance are satisfied.
 - 2) Adequate access and turnaround to and from all parcels by fire trucks, ambulances, police cars and other emergency vehicles can be ensured by private roads and /or common driveways.
 - 3) No common driveway shall provide access to more than three (3) lots, except as provided in Article 13, Section C.6.
- e. A reduction of required setback distances may be allowed at the discretion of the Board, provided that the front, side and rear setbacks shall be no less than twenty-five feet or that required for the applicable zoning district, whichever shall be less. For the perimeter of a multi-family cluster development, site setback shall not be reduced below the minimum front, side and rear setbacks required in the zoning district unless the Planning Board determines a more effective design of the project can better accomplish the purposes of this performance standard.

5. Utilities

At the discretion of the Planning Board, in order to achieve the most appropriate design and layout of lots and open space, utilities including individual wells and septic systems may be located on designated portions of the open space, if necessary, provided the same shall not unreasonably interfere with the open space purposes to be achieved under this performance standard and for the particular parcel(s) that is the subject of the application for open space subdivision.

- a. The Planning Board may waive or modify hydrogeological reviews or studies, if the applicant demonstrates that due to the specific placement of wells and septic systems:
 - 1) adequate groundwater is available at all locations proposed for individual water systems; and that
 - 2) there is no reasonable likelihood that the domestic water supply for any proposed lot will exceed 10mg/l of nitrates.

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- b. If a private collection septic system is proposed for a single family clustered development or a multiplex cluster development, the applicant must show that at least one (1) designated site for each lot, in the open space or on the lot, has adequate soils and land area suitable for subsurface waste disposal for each lot in accordance with the minimum standards set forth in the Maine Subsurface Waste Water Disposal Rules. The septic system shall meet the provisions of Article 10, section 7 of the Raymond Subdivision Ordinance.
- c. If a private central collection system is proposed, the system shall be maintained by a homeowners association or under an agreement of the lot or unit owners in the same fashion required for maintenance of the open space by a Home Owners Association or the lot or unit owners in common and written evidence of said maintenance agreement shall be submitted to the Planning Board.

D. Open Space Requirements

In Planning Board review and approval of an open space subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this Land Use Ordinance or the Subdivision Regulations.

Open space set aside in an open space subdivision shall be permanently preserved as required by this performance standard, except as allowed under this provision for flexible open space and the substitution for and/or the addition to the same, or where open space is dedicated by a landowner under contract with the Town for a term of years as set forth below. Land set aside as permanent open space may, but need not be, a separate tax parcel. Such land may be included as a portion of one or more large parcels on which dwellings are permitted, provided that a conservation easement or a declaration of covenants and restrictions is placed on such land pursuant to Article 13, Section D.3 and provided that the Planning Board approves such configuration of the open space.

1. Open Space Uses

On all parcels, open space uses shall be appropriate to the site. Open space shall include natural features located on the parcel(s) such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, agricultural land, forested acreage, wildlife habitat, rock outcroppings and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:

- a. On parcels that contain significant portions of land suited to agricultural production, open space shall be conserved for agriculture or other consistent open space uses such as forestry, recreation (active or passive), and resource conservation.

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- b. When the principal purposes of conserving portions of the open space is the protection of natural resources such as wetlands, aquifers, steep slopes, wildlife and plant habitats, and stream corridors, open space uses in those portions shall be limited to those which are no more intensive than passive uses. For purposes of this section, passive uses shall be those uses that require little or no physical modification to the land, that do not include development of structures, that result in minimal or no soil and vegetative disturbance, and that are non-motorized recreational activities including but not limited to hunting, fishing, hiking, biking, skiing and birding, except that snowmobiling shall be allowed where an existing snowmobile route or trail exists.
- c. Open space areas, shall be contiguous, where possible, to allow linking of open space areas throughout the Town.
- d. If the open space is to be devoted, at least in part to a productive land use, such as agriculture or forestry, the developer shall submit to the Planning Board a plan of how such use is to be fostered in the future. Such plan may include, for example, a long-term timber management plan.
- e. The Planning Board may limit the use of any open space at the time of final plan approval where the Board deems it necessary to protect adjacent properties or uses, or to protect sensitive natural features or resources. A proposed change in use of open space land, other than that specified at the time of plan approval, shall be reviewed by the Planning Board as an amendment to the approved plan.
- f. Further subdivision of open space or its use for other than agriculture, forestry, recreation or conservation, except for easements for underground utilities, shall be prohibited and shall be so stated by deed restrictions except as provided in Article 13, Section D.3. Structures and buildings accessory to agriculture, recreation or conservation uses may be erected on open space, subject to Planning Board approval under the Site Plan Review provisions of the Land Use Ordinance and this performance standard.

2. Notations on Plan

Open space must be clearly labeled on the Final Plan as to its, use or uses with respect to the portions of the open space that such use or uses apply, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof. The Plan shall clearly show that the open space land is permanently reserved for open space purposes, is subject to a reservation for future development, including those provisions allowed under Article 13, Sections D.5 and D.6, and shall contain a notation indicating the book and page of any conservation easements or deed restrictions required to be recorded to implement such reservations or restrictions.

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3. Preservation in Perpetuity

An owner of a parcel of land may designate all or a portion of the parcel for open space use in perpetuity if the purposes set forth in Article 13, Section A.2 are achieved and all other requirements of this performance standard are met subject to the following conditions:

- a. A perpetual conservation easement, or declaration of covenants and restrictions, restricting development of the open space land must be incorporated in the open space plan.
- b. The conservation easement may be granted to or the declarations may be for the benefit of a private party, third party or other entity, the Town, with the approval of the Board of Selectmen, or to a qualified not-for-profit conservation organization acceptable to the Planning Board.
- c. Such conservation easement or declaration of covenants and restrictions shall be reviewed and approved by the Planning Board and be required as a condition of plan approval hereunder.
- d. The Planning Board may require that such conservation easement, or declaration of covenants and restrictions, be enforceable by the Town of Raymond if the Town is not the holder of the conservation easement or beneficiary of the declarations.
- e. The conservation easement or declarations shall prohibit residential, industrial, or commercial use of such open space land (except in connection with agriculture, forestry, and recreation), and shall not be amendable to permit such use.
- f. The conservation easement or declarations shall be recorded in the Cumberland County Registry of Deeds prior to or simultaneously with the filing of the Open Space Subdivision final plan in the Cumberland County Registry of Deeds.
- g. Notwithstanding the foregoing, the conservation easement, or the declaration of covenants and restrictions, may allow dwellings to be constructed on portions of parcels that include protected open space land, provided that :
 - 1) The total number of dwellings permitted by the conservation easement, or declaration of covenants and restrictions, in the entire subdivision does not exceed the allowable density established in this performance standard above;
 - 2) The Planning Board grants approval for such lots; and,

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- 3) The applicant has reserved the right to apply for approval for such additional lots.

4. Ownership of Open Space Land

Open space land may be held in private ownership (which is to be preferred) including an appropriate third party not the applicant; or owned in common by a homeowner's association (HOA); dedicated to the Town, County or State governments or agencies; transferred to a non-profit organization such as a conservation trust, or association, acceptable to the Planning Board; or held in such other form of ownership as the Planning Board finds adequate to achieve the purposes set forth in Article 13, Section A.2 and under the other requirements of this Land Use Ordinance and the Subdivision Regulations.

The appropriate form of ownership shall be determined based upon the purpose of the open space reservation as stated pursuant to subparagraph D.1. above. Unless so determined, or unless deeded to the Town of Raymond and accepted by the citizens of the Town at Town Meeting, common open space shall be owned in common by the owners of the lots or units in the development. Covenants for mandatory membership in the association setting forth the owners' rights and interest and privileges in the association and the common land, shall be approved by the Planning Board and included in the deed for each lot.

5. Flexible Open Space and Substitution; Phasing

An applicant for an open space subdivision may at a future time designate other land to serve as the open space for such subdivision if the Planning Board finds that the purposes set forth in Article 13, Section A.2 will better be served by promoting a more innovative design and layout of lots created over time in relation to the area(s) designated as open space if all other requirements under this performance standard may be met and such substitution is specifically allowed in any documentation associated with the open space, conservation easement, or homeowners association. Development that is phased over time, including a schedule over time for either sale of lots or layout of further lots as part of the open space subdivision plan, is encouraged so that more appropriate design of land use and preservation of greater open space may be achieved.

6. Maintenance Standards

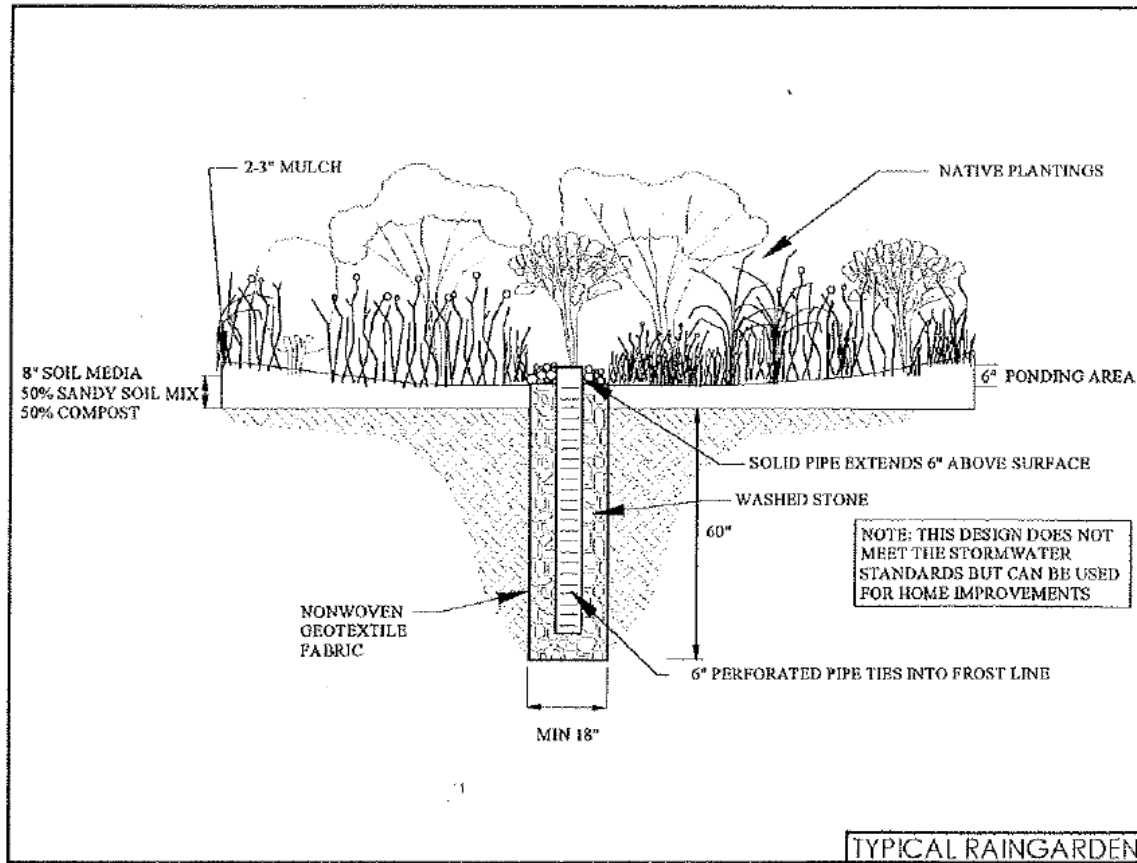
- a. The common open space shall be protected from non-conforming or incompatible use in accordance with section D.1 and shall be maintained as undeveloped open land, productive open land, and/or active or passive recreation land in accordance with an established maintenance plan. The common open space may include other ancillary structures or support uses in accordance with section D.1 and as approved by the Planning Board as part of the approval of the subdivision. Permanent conservation restrictions shall be

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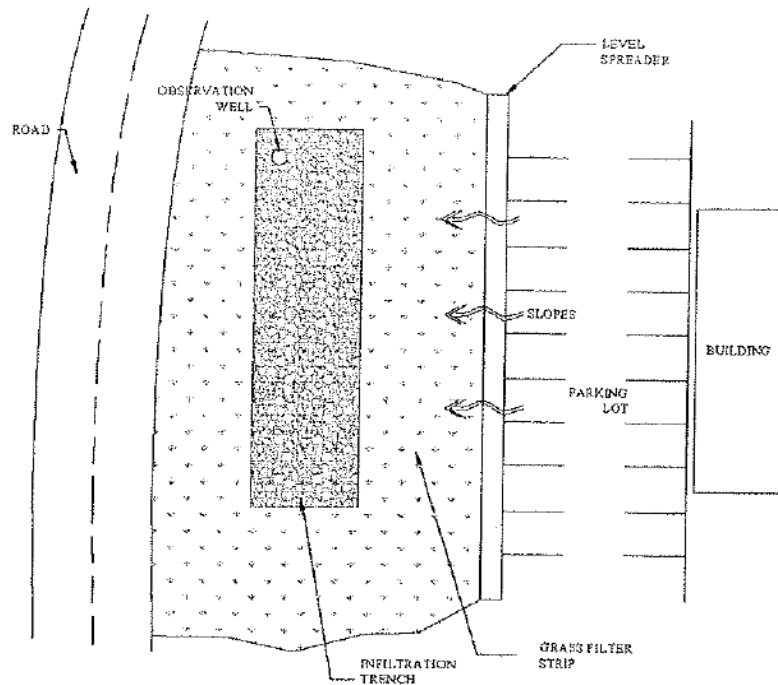
established, subject to approval by the Planning Board, to assure that the future use and maintenance of the common open space is consistent with the subdivision approval. These provisions may include deed restrictions or covenants, conservation easements, the sale or transfer of development rights, or other legal mechanisms approved by the Planning Board. These provisions shall be reviewed by the Planning Board and the Town's attorney and approved by the Planning Board. Allowance for modification of the conservation restrictions shall require a subdivision amendment and Planning Board approval. These conservation restrictions shall become conditions of approval.

- b. A legally binding maintenance agreement shall be established in the conservation restriction tool (e.g., deed, easement) for the periodic maintenance of the common open space to ensure that the terms of the restrictions are being met.

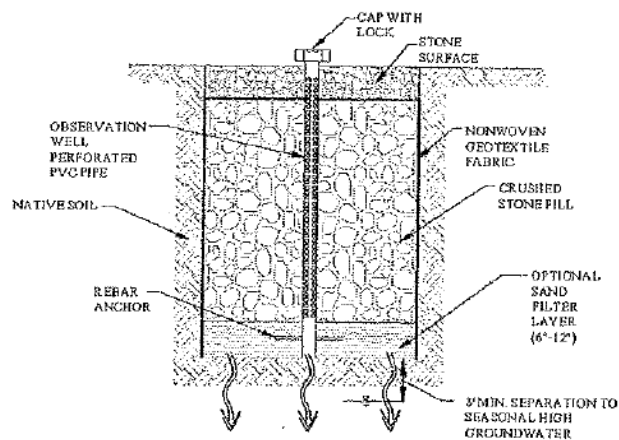
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PLAN VIEW



ADAPTED FROM: SMITH, DEMER, AND NORMANN

CROSS-SECTION

FIGURE 6-2. TYPICAL SURFACE INFILTRATION TRENCH